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HOUSE OF COMMONS

Third Report from the

FOREIGN AFFAIRS COMMITTEE

Session 1984–85

EVENTS SURROUNDING THE WEEKEND OF 1–2 MAY 1982

Report, together with the Proceedings of the Committee; Minutes of Evidence; and Appendices

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11.00 Hours BST on 24 July 1985

The Foreign Affairs Committee is appointed under SO No 99 to examine the expenditure, administration and policy of the Foreign and Commonwealth Office and of associated public bodies.

The Committee consists of 11 Members. It has a quorum of three. Unless the House otherwise orders, all Members nominated to the Committee continue to be members of it for the remainder of the Parliament.

The Committee has power:

(a) to send for persons, papers and records, to sit notwithstanding any adjournment of the House, to adjourn from place to place, and to report from time to time;

(b) to appoint specialist advisers either to supply information which is not readily available or to elucidate matters of complexity within the Committee's order of reference.

The Committee has power to appoint one sub-committee and to report from time to time the minutes of evidence taken before it. The sub-committee has power to send for persons, papers and records, to sit notwithstanding any adjournment of the House, and to adjourn from place to place. It has a quorum of three.

The membership of the Committee since its appointment on 9 December 1983 is as follows:

Sir Anthony Kershaw MC, *Stroud* (Chairman)

Mr Dennis Canavan, *Falkirk W*
Mr Robert Harvey, *Clwyd, SW* (appointed 27.7.84)
Mr Ivan Lawrence QC, *Burton*
Mr Jim Lester, *Broxtowe*
Mr Ian Mikardo, *Bow & Poplar*
Mr Mark Robinson, *Newport W* (discharged 27.7.84)
Rt Hon Norman St John Stevas, *Chelmsford*
Mr Nigel Spearing, *Newham S*
Rt Hon Peter Thomas QC, *Hendon S*
Mr Bowen Wells, *Hertford & Stortford*
Mr Mick Welsh, *Doncaster N*

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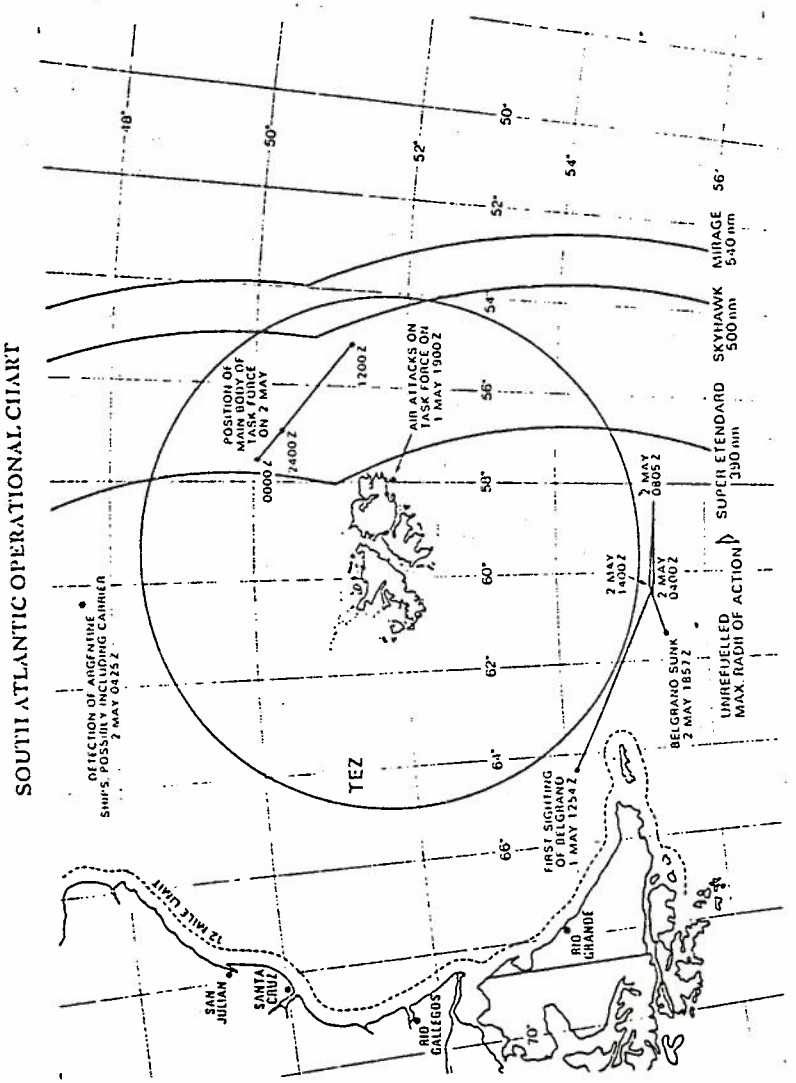
SOUTH ATLANTIC OPERATIONAL CHART



THIRD REPORT

THE EVENTS SURROUNDING THE WEEKEND OF 1–2 MAY 1982

The Foreign Affairs Committee has agreed to the following Report:

1. INTRODUCTION

The inquiry last session

1.1 Early in our inquiry in the last Session of Parliament into the future of the Falkland Islands we agreed to examine, amongst other matters, the prospects for a negotiated settlement of the United Kingdom—Argentine dispute over the Islands "in the light of previous failures to secure such a settlement". It was clear at the time of this decision (in February 1984) that Members would wish to take the opportunity, as it arose, of examining witnesses on the circumstances which led to the failure of the peace formula initiated by President Belaunde Terry of Peru and the then United States Secretary of State, General Alexander Haig, during the weekend of 1 and 2 May 1982.

1.2 We took evidence directly relating to this matter, as well as on other issues, from Sir Nicholas Henderson, GCMG (former HM Ambassador in Washington), Sir Anthony Parsons, GCMG, MVO, MC (former UK Permanent Representative at the United Nations), the Rt Hon Francis Pym, MC, MP (former Secretary of State for Foreign and Commonwealth Affairs), and the Rt Hon the Baroness Young (Minister of State for Foreign and Commonwealth Affairs). In the light of their evidence, and of other information then available to us, we decided in June 1984 to take further evidence on the subject of the Peruvian peace proposals and to report separately on this matter to the House. Our Report on the future of the Falkland Islands was therefore separately agreed in October and published in mid-December 1984.[1]

The disclosures last summer

1.3 During the course of her evidence to us, Lady Young was asked[2] to provide a list of changes in the Rules of Engagement issued to the South Atlantic Task Force during the Falklands conflict, in order to establish the full meaning of an earlier statement by Mr Pym that the Rules of Engagement had been changed "quite a number of times during the course of the war".[3] This request was subsequently transferred by the FCO to the Ministry of Defence, and on 19 July 1984 we received, under a covering letter dated 16 July from the Minister of State for the Armed Forces, Mr John Stanley, MP, a Memorandum providing a general commentary on the Rules of Engagement but not the specific information asked for.[4]

1.4 On the day preceding the receipt of Mr Stanley's Memorandum, a Member of the House, Mr Tam Dalyell, submitted certain papers to our Clerk. These included a copy of a document purporting[5] to be an internal Minute (frequently referred to as the "Legge Minute") from the Head of Defence Secretariat 11 (DS

[1] Fifth Report from the Foreign Affairs Committee, Session 1983–84 (The Falkland Islands), HC 268-I.
[2] Appendix 1, Q642 (1983–84).
[3] Appendix 1, Q390 (1983–84).
[4] Evidence, p 1 (sometimes referred to as the "Stanley Memorandum").

h

11) (Mr J M Legge) in which advice was offered to Ministers about how our request for information should be answered and deploying certain arguments to justify a refusal to provide that information. A comparison of the Stanley Memorandum and the Legge Minute suggested that Ministers had followed Mr Legge's advice.

1.5 At our next scheduled meeting, on 25 July 1984, we considered the Memorandum submitted to us by Mr Stanley and the other documents submitted to us by Mr Dalyell. We then decided to invite the Secretary of State for Defence or a Minister nominated by him, to attend to give evidence to us to provide, amongst other things, an explanation of the Ministry's failure to provide the specific information which we had requested concerning the Rules of Engagement. At the same time we decided to provide the Secretary of State, as a potential witness, with a copy of the documents submitted by Mr Dalyell, which were germane to the evidence the Secretary of State would be asked to give. We also decided that the Secretary of State's evidence should be given in private, and that no public mention should for the time being be made of our decisions in view of the classified nature of at least one of the documents submitted by Mr Dalyell. As a courtesy, our Chairman informed Mr Dalyell of the decisions we had taken in respect of the documents submitted by him.

1.6 Following the announcement in mid-August of the prosecution under section 2 of the Official Secrets Act of an Assistant Secretary in the Ministry of Defence, Mr Clive Ponting, the documents submitted to us by Mr Dalyell were published in part by *The Observer* (on 19 August) and in almost complete form by the *New Statesman* (on 24 August). Both papers included sufficient indirect evidence to support the view that copies of the documents could have been supplied to them only by Mr Dalyell himself, a fact which he does not appear to have denied. Both newspapers also reported that we had "returned" the documents to the Secretary of State, although neither reported the fact—known to Mr Dalyell—that the Secretary of State had also been summoned to give evidence to us on the matter.

1.7 Erskine May[6] states that "It is a breach of privilege for any person to publish or disclose any . . . documents presented to a select committee before such . . . document has been reported to the House". We regret that the Hon Member for Linlithgow appears to have seen fit to disclose to the press the documents referred to above, in apparent defiance of the privileges of the House and of this Committee.

Evidence taken in this Session

1.8 As a result of the press disclosures referred to above, a substantial volume of newspaper space and broadcasting time was thereafter devoted to a discussion of the substantive matter itself and of our actions in relation to the documents supplied to us. Moreover, further information about the events of 1 and 2 May 1982 became publicly available in September and October through letters exchanged between Ministers, opposition party leaders and other Members. In consequence, we felt it no longer incumbent on us to take evidence from the Secretary of State wholly in private, and when Mr Heseltine appeared before us in the new session of Parliament he did so in public, and with the proviso that

[6] See Twentieth Edition, p 704.

he might reserve his replies to particular questions to a subsequent private session. This he chose not to do. Thereafter, all our oral evidence has been heard in public, although a small amount of written evidence has been submitted to us on a classified basis.

1.9 In addition to the Secretary of State for Defence, we have heard oral evidence in this Session from:

—Mr Arthur Gavshon and Mr Desmond Rice (authors of *The Sinking of the Belgrano*, published by Secker and Warburg in April 1984)

—Mr Charles Wallace, CMG, CVO (former Ambassador in Lima and currently HM Ambassador in Montevideo)

—Admiral of the Fleet Lord Lewin, KG, GCB, MVO, DSC (former Chief of the Defence Staff)

—The Rt Hon Sir John Nott, KCB (former Secretary of State for Defence)

An invitation to the former United States Secretary of State, General Alexander M Haig Jr, to appear to give evidence was declined, for reasons which we fully understand. Mr Haig did, however, submit brief, but valuable, written evidence.[7]

1.10 We have also received a certain amount of written evidence from our witnesses and other sources, most of which is reproduced with this Report. The main exception is a collection of classified papers containing the full list of RoE changes (originally requested from Lady Young in June), together with the texts of RoE changes agreed on 30 April and 2 May 1982 (provided in December 1984 in response to further requests made to the Secretary of State for Defence when he gave evidence to us on 7 November)[8].

The written evidence received is listed on pages cxxvi to cxxix of this volume.

1.11 In the nature of the case which we have been examining, it has not been possible for us to proceed by way of taking formal evidence from all the principal actors in the events of the weekend of 1 and 2 May 1982, many of whom are foreign nationals. We have therefore drawn, where relevant and necessary, on information available elsewhere, including books, newspaper articles, and radio and television broadcasts. A list of the principal sources consulted is reproduced on page cxxx.

1.12 After reports in the press that the documents colloquially known as the "Crown Jewels" (providing a chronology of events leading to the sinking of the Argentine cruiser *General Belgrano* on 2 May 1982) had been made available to the jury in the case of Regina v Ponting at the Central Criminal Court, we resolved, on 30 January, to call for the submission to us of these documents "on the same basis" as that on which they were made available to participants in the trial. Following the announcement by the Secretary of State for Defence that he intended "to enable members of the Foreign Affairs Committee to have access to the document known as the "Crown Jewels" under appropriate security arrangements"[9], we visited the Ministry of Defence for this purpose on 6 and 12 March. The documents were not submitted to us as formal evidence, and

[7] Appendix FI 12.
[8] See Evidence, p 27.
[9] H C Debs, 18 February 1985, col 738.

their contents are not directly referred to in this Report. They have, however, been taken fully into account in our examination of the evidence and in the conclusions to which we have come.

1.13 We are grateful to all those who have assisted with the inquiry, either by providing written evidence, or by submitting themselves to detailed cross-examination, or by providing us with other documentary material (including the transcripts of television programmes). We are particularly grateful to Channel 4 Television for providing us (at short notice) with a complete copy of their unofficial transcript of the proceedings at the Central Criminal Court in the case of Regina *v* Ponting.

The scope of this Report

1.14 Our inquiry has been primarily concerned to assess the validity of a number of allegations about the political and military decisions which led to the sinking of the Argentine cruiser *General Belgrano* on 2 May 1982, the reasons for those decisions, and the implications of those decisions for the prospects of a peaceful settlement at that time of the United Kingdom's dispute with Argentina over the Falkland Islands. This Report is therefore largely concerned with those matters, and seeks to provide answers to the questions raised by those allegations.

1.15 Our Report is in no way concerned with the circumstances in which the papers submitted to us by Mr Dalyell last summer came into his possession. That issue has been dealt with by the Courts. There has, however, been widespread comment and discussion about the Government's provision of information to the House on this subject, culminating with a debate in the House, which largely centred on this issue, on 18 February[10]. It would be otiose for us to rehearse all the facts and the arguments relating to this latter point: we do, however, comment on these matters, in particular so far as they relate to the provision of information to the Committee.

2. THE EVENTS OF 1–2 MAY 1982: A SUMMARY

2.1 Following the Argentine invasion of the Falkland Islands on 2 April 1982, the British Government announced that "a large task force" would be sent to the area to counter Argentine aggression. The Government nonetheless emphasised that "We intend to solve the problem and we shall try to solve it continuingly by diplomatic means, but if that fails, and it will probably do so, we shall have no choice but to press forward with our plans".[11] On the same day, the UN Security Council passed a Resolution (502), calling on the Argentine and British Governments to seek a diplomatic solution to their differences over the Falkland Islands and, most significantly for the United Kingdom, demanding an immediate cessation of hostilities and the withdrawal of all Argentine forces from the Islands.

[10] H C Deb, 18 February 1985, cols 737–830

The military context

2.2 Throughout April 1982 the United Kingdom Government prepared the ground for a military solution to the Argentine invasion of the Falklands, despatching a task force and supporting units ultimately involving six submarines and 38 surface ships of the Royal Navy, 14 units of the Royal Marines, 22 ships of the Royal Fleet Auxiliary, 45 merchant vessels taken up from trade, 15 squadrons of the Fleet Air Arm, 24 squadrons and other units of the RAF, and 40 Army units. In all, some 28,000 British Servicemen were committed to the task of retaking the Falklands Islands and Dependencies.[12]

2.3 On the Argentine side, military preparations for the defence of the Falklands were no less intense. Unofficial sources suggest that a total of 32 vessels of the Argentine Navy participated in the operation,[13] and subsequent British estimates of 117 Argentine aircraft destroyed and more than 16,000 military prisoners taken at the end of the campaign indicate the scale of Argentina's deployment.

2.4 At 5.00 am BST on 12 April 1982, the United Kingdom Government brought into effect a maritime exclusion zone (MEZ) of 200 nautical miles around the Falkland Islands, within which any Argentine warships or auxiliaries would be treated as hostile and liable to attack from British forces. At 12 noon BST on 30 April 1982, HM Government brought into effect a total exclusion zone (TEZ) in the same area extending the MEZ provisons to any other ships "operating in support of the illegal occupation of the Falkland Islands" and to any military or civil aircraft similarly deployed. In accordance with Article 51 of the UN Charter, the announcement of these exclusion zones was communicated to the UN Secretary-General on 9 and 28 April 1982 respectively. Separate warnings about the circumstances in which Argentine vessels and aircraft would be regarded as hostile outside the exclusion zones were formally communicated to the Argentine Government on 23 April and 7 May 1982.[14]

2.5 On 25 April, in the first significant engagement since the Argentine occupation of the Islands, British forces repossessed the Dependency of South Georgia, attacking and immobilising the Argentine submarine *Sante Fe* in the course of the operation.

Hostilities on 1 and 2 May 1982

2.6 At 4.23 am (local time) on Saturday 1 May 1982, a British Vulcan bomber from Ascension Island made the first overt strike against the Argentine-occupied Falkland Islands, in a bombing raid on the airstrip at Port Stanley. Thereafter, Royal Navy Harriers made a series of attacks on the Stanley and Darwin airstrips and other Task Force units undertook "a major demonstration of force, simulating an amphibious landing off Port Stanley, which successfuly drew the Argentines and revealed some of their defence positions".[15]

2.7 Also on Saturday 1 May, and in apparent reaction to the signs of military activity on the British side, the Argentine Navy was ordered to search and destroy British vessels in the area, and strikes against the British fleet are

[12] *The Falklands Campaign: The Lessons* (Cmnd 8758).
[13] Appendix 6.
[14] See Appendix 5.
[15] Cmnd 8758 para 109.

known to have been attempted by Argentine aircraft and at least one Argentine submarine. Towards the end of the day, however, the Argentine commanders appear to have recognised that the British attacks did not constitute the start of a landing on the Falklands, and for this and other reasons are claimed to have ordered the withdrawal of their fleet.[16]

2.8 On Friday 30 April 1982, the British War Cabinet[17] authorised changes in the Rules of Engagement for the Task Force, specifically to permit a submarine attack on the Argentine aircraft carrier *Veinticinco de Mayo* outside the TEZ, an attack which did not ultimately take place.[18] Some time on the same afternoon an oiler accompanying the Argentine cruiser *General Belgrano* was detected by the nuclear-powered submarine *HMS Conqueror* near to, but outside, the TEZ, and on the following day the submarine made visual contact with the *Belgrano* herself. This was reported by the submarine commander to naval headquarters at Northwood but, since existing Rules of Engagement did not then permit an attack outside the TEZ, the submarine merely continued to shadow the cruiser.

2.9 Shortly after noon (BST) on Sunday 2 May, the War Cabinet, meeting at Chequers, authorised a change in the Rules of Engagement to permit submarine attacks on other Argentine surface ships outside the TEZ, and this information was signalled by Northwood to the fleet. Shortly before 8.00 pm (BST) (4.00 pm local time) the *Belgrano* was struck by two of three Mark 8 torpedoes launched by the *Conqueror* and, just over an hour later, the *Belgrano* rolled over and sank. 368 of the *Belgrano's* crew of 1,138 men lost their lives in the attack.

2.10 Two days after the attack on the *Belgrano*, the British Type 42 destroyer *HMS Sheffield* was attacked by Exocet missiles launched from two Super Etendard aircraft of the Argentine Fleet Air Arm, with the loss of the ship and 21 of her crew. Thereafter, although the Argentine Navy kept to home waters, a further five British ships were lost by enemy air attack, and the campaign came to a conclusion on 14 June 1982 only after the loss of nearly 1,100 Argentine and British lives.

The diplomatic context

2.11 The first significant diplomatic effort to secure an interim settlement and ceasefire between the United Kingdom and Argentina was initiated by the then United States Secretary of State, General Haig, in an exercise of "shuttle diplomacy" between Washington, London and Buenos Aires, conducted throughout most of April 1982. On Thursday 29 April these negotiations foundered when the Argentine Foreign Minister rejected the Secretary of State's final draft, and on Friday 30 April both the Secretary of State and President Reagan announced the suspension of US military exports to Argentina and outright support for the United Kingdom, short of direct military involvement.

2.12 At some time on Saturday 1 May contact was established between General Haig and the Peruvian President, Belaunde Terry, almost certainly on

[16] See, eg, Evidence p 34, and Appendix 7.
[17] Officially known as the Overseas and Defence Committee (South Atlantic) (OD(SA)).

the latter's initiative,[19] with a view to drawing up the essential points of a peace formula acceptable to both sides in the Falklands dispute. Following telephone conversations between Washington and Lima, and between Lima and Buenos Aires, on the evening of Saturday 1 May and the morning of Sunday 2 May, President Belaunde apparently felt himself in a position on the Sunday afternoon to call a press conference to announce the imminent cessation of hostilities between Argentina and the United Kingdom and to make arrangements for the signature in Lima that evening of the appropriate ceasefire document.

2.13 President Belaunde's confidence that agreement was in sight was apparently supported by his belief that Secretary of State Haig was in direct contact on the details of the proposals with the British Foreign Secretary, Mr Pym, who was in Washington during much of the period of the discussions over the weekend. Although there is no argument about the fact that Mr Pym and Mr Haig met on the morning on Sunday 2 May, and that they discussed, amongst other things, the talks then in train between Washington and Lima, there has been continuing public disagreement and controversy about the nature of these discussions. According to Mr Haig, "We were down to words, single words";[20] according to Mr Pym, however, "It was not in any way a developed series of proposals . . . they were only an outline. They were not in any way firmed up and Haig himself said much more work had to be done on them".[21] According to Mr Pym, information about his discussions with General Haig, and about the Peruvian proposals, was communicated to London by the British Embassy in Washington only at "something like 10 o'clock Greenwich Mean Time",[22] and after the *Belgrano* had sunk.

2.14 According to transcripts of the telephone conversation between the Argentine President, General Galtieri, and President Belaunde Terry of Peru on the evening of 2–3 May 1982, the news of the sinking of the *Belgrano* led the Argentine junta to reject "any negotiation relating to peace in the South Atlantic in these circumstances". General Galtieri's immediate reaction was that "We would rather die on our feet than live on our knees . . . the news of the cruiser *General Belgrano* has thrown aside all study [of the peace proposal] and all reasoning to support it".[23] In fact, however, as Messrs Gavshon and Rice have conceded, the Argentine Permanent Representative continued to discuss possible peace terms with the UN Secretary General from 2 to 19 May[24] and it was not until Thursday 6 May that the Peruvian proposals, having been accepted in amended form by the British Government, were rejected by the Argentine junta.[25]

[19] Gavshon & Rice, *The Sinking of the Belgrano* (1984), p 82; General Alexander M Haig, Jr, *Caveat* (1984), p 293. Mrs Jeane Kirkpatrick has been quoted as saying that "It was a new Haig mission in disguise" (Cardoso, Kirschbaum and van der Kooy, *La Trama Secreta* (1983), p 224. See Appendix 11).
[20] BBC, Transcript of "Panorama" transmission on 16 April 1984.
[21] Appendix 1, QQ385, 400 (1983–84).
[22] Appendix 1, Q425 (1983–84). (The exact time was 2215 GMT. See Appendix 16.)
[23] Gavshon and Rice, *op cit*, pp 118–20.
[24] *ibid* p 120.
[25] Appendix 1, Q409 (1983–84); HC Debs, 7 May 1982, col 395.

3. THE PRINCIPAL ISSUES

The nature of the allegations

3.1 During a debate on the Falklands campaign in December 1982 Mr Tam Dalyell recounted his version of the events leading to the sinking of the *General Belgrano*, and then laid at the door of the Prime Minister a charge which, he said, "could hardly be more grave".

> "It is specifically that, along with her Defence Secretary and the Chairman of the Conservative Party, but in the absence of the Foreign Secretary and perhaps the Home Secretary, she coldly and deliberately gave the orders to sink the *Belgrano*, in the knowledge that an honourable peace was on offer and in the expectation — all too justified — that the *Conqueror*'s torpedoes would torpedo the peace negotiations.
>
> Faced with a compromise, involving the withdrawal of Argentine and British forces, based on Resolution 502 which she correctly sensed world opinion would expect her to accept, the Prime Minister calculatingly and deliberately ordered the torpedoes to be unleashed to create an incident which she understood perfectly well would switch the whole war from second into fifth gear. If there had been no *Belgrano*, there would probably have been no *Sheffield*, no *Atlantic Conveyor*, no *Ardent*, no *Antelope* and no *Coventry*."[26]

3.2 In rather more measured terms, the authors of *The Sinking of the Belgrano*, although accepting that "it cannot be argued that the death of the *Belgrano* put an end to negotiations", have suggested that "what it clearly did achieve was to put an end to the Peruvian peace initiative for long enough for other events to intervene". At the end of their book Mr Gavshon and Mr Rice concluded as follows:

> "We take the view that Mrs Thatcher's War Cabinet decided in principle on the use of force the day Argentina occupied the Falklands, and that only unconditional surrender by the Junta could have prevented a killing war. The phase of phantom negotiations through April served only to fill the "diplomatic vacuum" until the Task Force could be brought to bear. It then went into action at once and the attack on the *General Belgrano* escalated the confrontation. If the assessment is correct that British leaders were never really seriously interested in negotiating, there would be little to choose in terms of opportunism between the hawks of London and those of Buenos Aires. We find it hard to avoid the suspicion that the crews of both ships, the *Conqueror* as well as the *General Belgrano*, were used in a cynical politico-military machination which most Britons would want to see exposed.[27]

3.3 In the interval between Mr Dalyell's speech and the spring of 1984, a succession of parliamentary questions and of occasional discoveries in the press both revealed more detail about the events of the weekend which culminated in the sinking of the *Belgrano* and indicated omissions and contradictions in the official British Government version of those events which aroused some doubts in the minds of many outside observers and many Members of the House. These doubts were understandably fuelled last spring by the almost simultaneous publication of Messrs Gavshon and Rice's book on the episode, the serialisation of General Haig's memoirs of his period as United States Secretary of State[28] and a BBC "Panorama" programme on 16 April 1984, all of which illustrated the variety of interpretations given to the events of 1 and 2 May 1982 by many of the principal actors involved. It was shortly after this, in June 1984, that we concluded that the matter merited separate examination, and a separate Report, by the Committee.

[26] HC Debs, 21 December 1982, col 902.
[27] Gavshon & Rice, *op cit* pp 120, 177.

3.4 The principal questions which we have subsequently addressed during the inquiry are set out below.

3.5 First, Was the sinking of the *Belgrano* militarily justified? Was the cruiser a threat to the British Task Force when she was sunk?

3.6 Second, To what extent did the decision to authorise the sinking of the *Belgrano* reflect and flow from earlier War Cabinet decisions to pursue a military solution and abandon "minimum use of force"?

3.7 Third, How well advanced were the Peruvian peace proposals at the time the sinking of the *Belgrano* was authorised? Were they in a form acceptable or potentially acceptable to the United Kingdom Government?

3.8 Fourth, Did the Peruvian peace proposals stand a real chance of acceptance by the Argentine junta on 2 May 1982?

3.9 Fifth, Did the British War Cabinet know (in detail or otherwise) of the Peruvian initiative at the time of its decision to authorise the sinking of the *Belgrano?*

3.10 Sixth, Were the Peruvian peace proposals sufficiently well advanced on 2 May 1982 to justify avoiding any military action which might jeopardise them?

3.11 Seventh, Should the Argentine junta have been warned by HM Government of the changes in the Rules of Engagement on 30 April and 2 May 1982?

3.12 Eighth, Is it true that the sinking of the *Belgrano* undermined chances of a negotiated settlement and therefore made a purely military solution to the crisis inevitable?

3.13 Ninth, Did HM Government, through its Ministers, deliberately or inadvertantly mislead the House by its subsequent explanations of the events leading to the sinking of the *Belgrano?*

3.14 In addition to the specific questions outlined above, we have also considered (i) evidence relating to the co-ordination between the diplomatic and military efforts to resolve the crisis created by the Argentine invasion of the Falklands on 2 April 1982, and (ii) the implications of HM Government's

[28] General Alexander M Haig Jr *Caveat: Realism, Reagan and Foreign Policy* (Weidenfeld & Nicolson), April 1984. See also *The Sunday Telegraph*, 1 April 1984.

apparent reluctance to provide full and accurate information about the sinking of the *Belgrano* to the House and this Committee.

4. THE MILITARY SITUATION

The *Belgrano* "threat"

4.1 The House of Commons did not meet on the day following the sinking of the *Belgrano* (Monday 3 May), which was a Bank Holiday. On the next day, the matter was referred to at Question Time and in a subsequent statement the then Secretary of State for Defence (now Sir John Nott), after summarising the military activity on Saturday 1 May, explained the attack on the *Belgrano* as follows:

> "The next day, 2 May, at 8 pm London time, one of our submarines detected the Argentine cruiser, *General Belgrano*, escorted by two destroyers. This heavily armed surface attack group was close to the total exclusion zone and was closing on elements of our task force, which was only hours away. We knew that the cruiser itself has substantial fire power, provided by fifteen 6in guns, with a range of 13 miles, and Seacat anti-aircraft missiles. Together with its escorting destroyers, which we believe were equipped with Exocet anti-ship missiles with a range of more than 20 miles, the threat to the task force was such that the task force commander could ignore it only at his peril."[29]

4.2 A similar explanation of the threat posed to the British Task Force by the *Belgrano* was provided in subsequent official statements during 1982. Thus, in the White Paper on the *Falklands Campaign: The Lessons* it was stated that

> "On 2 May *HMS Conqueror* detected the Argentine cruiser, *General Belgrano*, accompanied by two destroyers, sailing near to the total exclusion zone. Other Argentine ships were also thought to be probing our defences to the north of the zone. The *Belgrano*, and her escorts armed with Exocet missiles, posed a clear threat to the ships of the task force. She was therefore attacked and sunk by torpedoes."[30]

And in the official Despatch of the Task Force Operations Commander (Admiral Sir John Fieldhouse, GCB, GBE), it was stated that

> "On 2 May the Argentine cruiser, the *General Belgrano*, with two destroyers, was detected south of the Falklands by *HMS Conqueror*. The enemy force was in a position where it posed a serious threat to a number of our ships engaged in operations off the Falklands while other Argentine surface units were poised to the north. It was a threat that could not be ignored and therefore *HMS Conqueror* was ordered to attack the *General Belgrano* with torpedoes. Two struck the cruiser which sank some hours later."[31]

[29] HC Debs, 4 May 1982, cols 29–30.
[30] Cmnd 8758, para 110.
[31] Supplement to *The London Gazette* (13 December 1982), p 16113.

4.3 The official accounts quoted above suggest, first, that the *Belgrano* was only detected by *HMS Conqueror* on Sunday 2 May and, second, that the cruiser posed "a clear threat" to the British Task Force. Sir John Nott's claim on 4 May 1982, however, that the cruiser was "closing on elements of our Task Force", does not appear to have been repeated in such specific terms in later ministerial statements.

4.4 Subsequently, official British statements have painted a somewhat different picture. In the first place, Ministers have conceded that, far from sighting the *Belgrano* on 2 May, *HMS Conqueror* was in contact with her oiler auxiliary on Friday 30 April 1982, and was in visual contact with the *Belgrano* itself on Saturday 1 May.[32] Second, it has been conceded that, far from "closing" on the Task Force, the *Belgrano* was steaming away from the Total Exclusion Zone during Sunday 2 May 1982, her change of course having been noted by *HMS Conqueror* at about 9.00 am (BST) and reported by the submarine to Northwood at about 3.40 pm (BST) that day.[33] At the time she was sunk, therefore, the *Belgrano* had been sailing away from the British Task Force (and probably towards the States Islands) for about 11 hours.

4.5 When interviewed on "Panorama" on 16 April 1984, Admiral of the Fleet Lord Lewin said that the *Belgrano* "was not an absolutely immediate threat to our surface ships" and that "she didn't become an immediate threat because we sank her", a view echoed in the evidence given to us by the Secretary of State for Defence, Mr Heseltine told us that

> "It is perfectly true that she did change course; but when the British Government took its decision to sink the *Belgrano*, because of the threat that was reported to it, it did not know she had changed course, and even if it had known that she had changed course, there is nothing to say she could not have changed course again."[34]

4.6 In his evidence to us, Lord Lewin sought to explain in more detail the extent to which the *Belgrano* was perceived to be a threat in the period leading up to the decision to sink the cruiser. In his account, the cruiser's position at the time of the sinking in relation to the nearest units of the British Task Force (most recently estimated by the Secretary of State for Defence as about 260 miles)[35] assumes less significance than the cruiser's potential threat and the constraints which that potential threat might impose on the British fleet's future activities. First, the cruiser was believed to be an element in what was expected to be a "co-ordinated attack" by Argentine airforce and naval units, including the aircraft carrier and other ships to the north of the Exclusion Zone. Second, when detected she was steering south-east: "800 miles away to the eastward was South Georgia where we had left one company of Royal Marines and an elderly frigate."[36] Third, Admiral Woodward's ability to carry out the next stage of his mission, including the landing and supplying of special forces on the Falklands themselves, was inhibited by the knowledge that the major units of the Argentine

[32] Letter from the Prime Minister to Denzil Davies, MP, 4 April 1984.
[33] See, eg, Annex to the letter from the Prime Minister to George Foulkes, MP, 19 September 1984. (HC Debs, 29 October 1984, cols 788–791 *written.*)
[34] Q96.
[35] HC Debs, 18 February 1985 col 796. This estimate closely resembles that of the *Belgrano*'s Commanding Officer.
[36] Q513.

navy were at sea: accordingly, "the *Belgrano* was a threat to Woodward carrying out his mission, because if Woodward kept himself safe and went off to the eastward at 20 knots, he could not carry out his mission".[37]

The "pincer movement" theory

4.7 Lord Lewin's description of the British fear of a "co-ordinated attack" by the Argentine navy closely resembles other claims that the Argentine intention was to apply a "pincer movement" against the British Task Force from the perimeter of the Total Exclusion Zone. Particular attention was paid to this theory last April, when former Argentine Naval Commander in the South Atlantic, Rear Admiral Juan Jose Lombardo, confirmed in an interview on "Panorama" both that his fleet had orders on 1 May to enter the Total Exclusion Zone and that the *Belgrano* and its escorts were indeed intended to form part of a pincer movement against the Task Force.

4.8 Admiral Lombardo's statement on "Panorama" has been challenged from a number of sources. In response to our questions on this specific point, Mr Desmond Rice first claimed that "Two days after the 'Panorama' programme there was an account in one of the leading Buenos Aires newspapers, *Clarin*, on 18 April, in which Lombardo retracted what he was alleged to have said".[38] Under further questioning, however, Mr Rice agreed that Admiral Lombardo had said nothing in his retraction about his statement concerning the pincer movement.[39] Dr Paul Rogers, of the University of Bradford Peace Studies Institute, claimed in evidence to us that suggestions that the *Belgrano* "formed part of a pincer movement do not appear to have been put forward in Britain until 5 months after the event. An Argentine Admiral quoted as supporting this interpretation has since claimed that he was quoted out of context.[40] When asked to clarify this statement, Dr Rogers claimed that the transcript of the Panorama programme showed that the specific term "pincer movement" was suggested to Admiral Lombardo by the interviewer and "Lombardo's spoken English is imperfect".[41] It is clear, however, that Admiral Lombardo has in fact made no retraction of this crucial statement, although he has provided some additional commentary on his other statements on the "Panorama" programme.[42]

4.9 We cannot regard the views of either Mr Gavshon and Mr Rice, or of Dr Rogers, which appear to be based entirely on a misinterpretation of Admiral Lombardo's reported remarks to the Argentine press, as providing any kind of refutation of Admiral Lombardo's admission of a "pincer movement" plan on 1 May 1982. Moreover, this claim is supported by other authors who must be regarded as being privy to official Argentine sources. First, Mr Robert L Scheina, who admits his pro-Argentine sympathies, wrote in the Proceedings of the US Naval Institute of 1983 that during the night of 1–2 May 1982, Argentine Task Groups 79.1, 79.2 and 79.4 "closed toward the enemy at 20 knots in order to bring the carrier's eight Skyhawk A-4 aircraft within range". Meanwhile, Task Group 79.3, led by the *Belgrano*, while not advancing on the British fleet, was "to provide an early warning for the southern mainland and to be in position

[37] QQ512, 515.
[38] Q256.
[39] Q259.
[40] Appendix 4, para 11(c).
[41] Appendix 9.
[42] The full (translated) text of Admiral Lombardo's "retraction" is set out in Appendix 8.

to intercept any British reinforcements which might come from the Pacific".[43] This latter statement, which implies a less active role for the *Belgrano* group, is echoed by both Messrs Gavshon and Rice and Mr Ponting.[44]

4.10 Second, the authors of an authoritative Argentine account of the Falklands conflict claim that in the afternoon of Saturday 1 May, in reaction to the British Task Force's attacks on the Falkland Islands, Admiral Lombardo telexed the Argentine fleet commander, on board the aircraft carrier, that "You have freedom of action." "From that moment," the authors claim, "the Argentine fleet's three task groups [which in this account appear to have included that led by the *Belgrano*] began to advance towards the north of Soledad Island, where the supposed British operation was taking shape."[45] Messrs Gavshon and Rice support Dr Scheina's statement, claiming that the order to attack applied to the "two northern groups" only of Task Force 79 (although in fact there were three), and not to the *Belgrano* group.[46]

4.11 We have received no factual evidence (as opposed to opinions) to cast doubt on official British claims that, on 1 May at least, the Argentine fleet had orders to mount a "co-ordinated attack" on the British Task Force. Moreover, although published accounts differ on this point, we believe, on the basis of the formal evidence and other information available to us, that it would have been unreasonable for the British naval authorities to have reached any conclusion other than that the cruiser *Belgrano* formed a part of that co-ordinated attack.

The *Belgrano*'s change of course

4.12 Key points in the argument of those who suggest that the *Belgrano* was ordered to be sunk for no necessary military reasons are (a) that for most of the previous day she and her escorting destroyers had been sailing for home, and (b) that this was known to the British military and political authorities in sufficient time for the *Conqueror*'s orders to be changed.

4.13 The fact that the *Belgrano* and her escorts changed course on the morning of Sunday 2 May 1982 is now admitted by HM Government, and confirmed from many other sources. Of more significance is the reason for the cruiser's change of course and, in particular, whether she was, in reality heading for home.

4.14 In the "Panorama" programme on 16 April 1984, Admiral Lombardo suggested that shortly after midnight, on the morning of 2 May, Admiral Allara (the Argentine fleet commander) ordered the withdrawal of the Argentine fleet "to their former positions. That is to say, the two groups in the north to their continent and the group in the south to their States Island". This, according to Admiral Lombardo, was a military, not a political, decision, based on the Argentine's current assessment that "the British were not really landing".[47] This account is consistent with that of the authors of *La Trama Secreta*. They also suggest, however, that the decision to withdraw the Argentine fleet to the "Security Zone" resulted from Admiral Allara's assessment that the aircraft on

[43] US Naval Institute, *Proceedings* 1983, pp 105–6 (Appendix 6).
[44] Gavshon and Rice, p 97; Clive Ponting, *The Right to Know*, p 80.
[45] O R Cardoso, R Kirschbaum and E Van der Kooy, *Malvinas: La Trama Secreta*, p 236.
[46] Gavshon and Rice pp 78–9.
[47] Transcript of "Panorama" (16.4.1984).

board the carrier *25 de Mayo* would be unable to take off and reach British targets with a full pay-load of bombs in the unfavourable weather conditions, the wind speed being far too low for the operation.[48] Dr Robert Scheina offers this as the sole explanation for the withdrawal, the Argentine fleet having been ordered "to return to safer waters in order to wait for more suitable weather".[49]

4.15 According to Messrs Gavshon and Rice, the first signal "rescinding his prior order to attack, and telling him to bring Task Force 79, the *Belgrano* group included, *back to port"* (our italics) was sent to the Argentine fleet commander by Admiral Lombardo at 20.07 (local time) on Saturday 1 May, and repeated and confirmed at 01.19 on the morning of 2 May.[50] The authors' claim that the Argentine fleet (including the *Belgrano*) was ordered back "to port", rather than to safer waters, is not supported by any other sources we have seen, and in fact is directly contradicted by the authoritative sources to which we have had access. Indeed, the Argentine authors of *La Trama Secreta* refer specifically to an order to the *Belgrano* at about this time which read *"Traer de Luis a Miguel"* ("Withdraw from Luis to Miguel"). Our understanding is that this order, if completed, would have brought the *Belgrano* group back to the vicinity of the States Island, and still a very long way from its home port of Ushuaia. Moreover, the Argentine authors go on to explain that Lombardo had ordered the *Belgrano*'s withdrawal specifically to a position "in less deep water—no more than 120 metres—to avoid the presence of nuclear submarines".[51]

4.16 *HMS Conqueror* noted the *Belgrano*'s change of course in a westerly direction at about 09.00 BST (05.00 local time), and reported this fact to Northwood at about 15.40 BST, about three hours after the Rules of Engagement had been changed by the War Cabinet. The cruiser's change of course was not, however, reported to Ministers. The question has been repeatedly raised whether, in the light of the cruiser's change of course, the *Conqueror*'s order to attack the cruiser should have been changed. Such a decision could only have been made by responsible politicians if *either* they had evidence that the change of course signified a decision by the Argentine junta to abandon hostilities against United Kingdom forces *or* they had evidence of a serious possibility of a negotiated peace. The latter point is addressed later in this Report.

4.17 In the absence of evidence of a general Argentine withdrawal (and we do not believe either that such evidence was available at the time,[52] or that the Argentine junta had such an intention), the United Kingdom authorities would have had to fall back on their own assessment of Argentine intentions. Those intentions were, when the War Cabinet changed the Rules of Engagement soon after midday on 2 May 1982, believed to be hostile. The mere fact of a change in course by the cruiser and her escorts (even if it had been known to Ministers at the time, which it was not) could not necessarily have been regarded as a change in Argentine intentions, unless there had also been clear evidence of a total withdrawal of the Argentine navy to port, which there was not. The Secretary of State for Defence pointed out to us in evidence that, even if the

[48] Cardoso, Kirschbaum and Van der Kooy, *op cit* p 237 (Appendix 11).
[49] Appendix 6, p 106.
[50] Gavshon and Rice, pp 81, 161.
[51] Cordoso, Kirschbaum and Van der Kooy, p 237 (Appendix 11).
[52] See *eg* Q505.

Government had known of the change of course, "there is nothing to say she could not have changed course again".[53]

4.18 United Kingdom Government statements have consistently claimed that on Sunday 2 May 1982 there was evidence, maybe of an incomplete nature, of the aggressive intentions of the Argentine navy, and no evidence of any decision to withdraw the Argentine navy from the conflict. Hostilities had already begun, and, according to public Argentine claims at the time, were running very much in Argentina's favour.[54] The UK Government believed that the *Belgrano* group was intended to participate in any aggressive action against the British Task Force, and knew that the *Belgrano* (unlike other major Argentine naval units) was under surveillance by the Royal Navy and therefore able to be attacked.

4.19 Even in the light of this assessment at the time, the War Cabinet on 2 May 1982 could have decided not to have authorised an attack, on the *Belgrano* at that time; it could have merely decided to commit the *Conqueror* to a further extended watch over the cruiser. And if the *Belgrano* had withdrawn to its port, the War Cabinet might have been able, after the event, to congratulate itself for having avoided further aggression.

4.20 But if the information available at the time had proved to be true (and there is still no firm evidence to sugest that it was *not* true), if the War Cabinet had refused to authorise an attack on the *Belgrano* or other Argentine vessels, and if the *Belgrano* group had successfully escaped to shallower waters less accessible to the *Conqueror*, the inquiry in which we have been engaged might have been of a wholly different character. As Sir John Nott put it to us, "If you or any other member of any political party or government had been in the position that we were in on the Sunday morning; had known that the Argentinians had claimed that morning that they had sunk our ships; had known that there had been a major attack on the fleet the previous day, and had then failed to allow the submarine to attack the *Belgrano* (which we believed at that time to be closing on the fleet), what would the history books have said of you, if in fact *Hermes* or one of the British ships had been sunk?[55]

How much did the British actually know?

4.21 A question nonetheless remains: whether, in fact, the United Kingdom authorities *did* know of an Argentine decision to withdraw their fleet to port, but preferred to discount it.

4.22 Referring to the alleged Argentine signals to recall all or part of their fleet, Messrs Gavshon and Rice quote "a British authority on SIGINT [signals intelligence] operations" as remarking that "It's inconceivable that both messages [referred to in paragraph 4.15 above] would have been missed . . . And once picked up, the contents of the messages would have been decoded and circulated to the proper authorities in London very, very soon indeed."[56] Moreover, newspaper reports in January 1985 claimed that both the signals referred to above, and earlier signals on 29 and 30 April (or 1 May, according

[53] Q96.
[54] See *eg* Q634.
[55] Q631.
[56] Gavshon and Rice, pp 161–2.

to one newspaper) which confirmed that the *Belgrano* herself was on defensive patrol (and not part of the pincer movement), were intercepted by GCHQ in Cheltenham and "decoded and telexed at the time directly to Navy HQ at Northwood and to Mrs Thatcher's office at Chequers".[57] Both these newspaper reports specifically reject the notion that the *Belgrano* group was included in the Argentine recall signals during the night of 1 and 2 May, the group having not been included, according to these reports, in the earlier orders to attack.

4.23 Quite properly, Ministers have refused to comment on the precise nature of the intelligence information available to them at the time. It has, however, been made abundantly clear in public statements that, at the time of the decision to sink the *Belgrano* neither Ministers nor their senior military advisers were aware of any Argentine orders to withdraw their fleet, whether or not those orders applied to the *Belgrano* and her escorts. We not only have no reason for disbelieving these statements: the classified intelligence evidence we have seen and other evidence authoritatively and conclusively shows that no intercepted orders for a withdrawal of Argentine forces reached the British Government before the sinking of the *Belgrano*. This cannot be too strongly stated. Such intelligence information as was available to the British Government reinforces the urgency and correctness of the decision to sink the *Belgrano*. Moreover, if, as is claimed by Messrs Gavshon and Rice and some others, the *Belgrano* was included in the recall orders, it is "curious", in the words of the Secretary of State for Defence, that this order was not obeyed.[58] The Argentine recall orders are said to have gone out at 20.07 and 01.19 local time on 1 and 2 May 1982. The *Belgrano*, however, continued on her eastward course for a further four hours after the latter order was supposed to have been given.[59]

4.24 It is worth noting the wide discrepancies in published accounts after the event about the *Belgrano*'s role in the "pincer movement" against the British Task Force, about the nature of the recall orders issued to elements of the Argentine fleet on the night of 1–2 May 1982, and about the reasons for those orders. It is also of interest that authors such as Mr Gavshon and Mr Rice, and a number of journalists, appear to place remarkable faith in the British intelligence services' ability to monitor and decode all enemy signals. While it is clear from many recent ministerial statements that some intelligence intercepts were made, it is by no means clear that all the Argentine signals mentioned in journalistic accounts were in fact intercepted by GCHQ or other intelligence-gathering organisations. Nor is it clear that the signals referred to in the media were the only orders issued to the various Argentine naval task groups between 30 April and 2 May 1982, nor that other signals, with quite different purport, were not themselves intercepted and decoded by the UK authorities.

4.25 The differences between the published accounts of what the Argentine navy's orders actually were between 30 April and 2 May 1982 are of enormous significance in any attempt to interpret the junta's intentions at the time. Was there to be a "pincer movement" at all? Was the *Belgrano* intended to be part of that attack or was she on purely "defensive patrol"? Was the Argentine navy ordered to withdraw during the night of 1 and 2 May? Did those orders apply to the *Belgrano* group? Were the ships being withdrawn to port, or merely in

[57] *Guardian*, 5/1/1985; *Observer*, 6/1/1985.
[58] Q96.
[59] See also Clive Ponting, *The Right to Know* (Sphere Books 1985), p 85.

order to regroup? As the preceding paragraphs demonstrate, none of these questions is fully or consistently answered in the various published accounts.

4.26 For journalists and others to assume, although they cannot agree amongst themselves despite interviews with many of the participants after the event, that the British Government must have known all the Argentine authorities' intentions hour by hour as the events were unfolding is, in our view, both perverse and absurd. Equally perverse, if objective answers to all these questions are really being sought, is the tendency to believe every scrap of information coming out of Buenos Aires so long as it supports a particular case, to reject Argentine statements which do not favour that case (such as Admiral Lombardo's statements on "Panorama"), and to disbelieve much of what is said by British Ministers and officials.

4.27 We agree with the Secretary of State for Defence that it is "extraordinary that so much credibility is given to apparent intelligence information which can only have come from Argentine sources". As he said to us, "Those who are relying upon Argentine intelligence leaks perhaps will address themselves to the question as to why they have been given those particular leaks or statements in the first place."[60] Regrettably, of course, some mistrust of British ministerial statements is inevitable in view of the corrections which have had to be made by Ministers in respect of certain statements made during the conflict, to which we revert later in this Report,[61] and in view of Ministers' outright refusal publicly to reveal the full extent and nature of the intelligence available to them during the conflict. We can understand the reason for that refusal and have sympathy with Ministers in their difficult task of seeking to convince a sceptical audience of the truth of their case without being able to deploy some of the more significant facts. It is a dilemma which we now share. Such intelligence as we have seen actually strengthens the view taken by the British Government of the nature of the threat posed by the *Belgrano*, and we can only therefore commend the Government for its restraint in refusing to disclose it.

4.28 The principal question which needs to be resolved is not whether, given all the additional information now available, the Argentine cruiser did in fact pose a threat sufficiently immediate to justify its sinking, but whether the decision to change the Rules of Engagement to permit an attack on the cruiser was justified in the light of the information available at the time to the Chiefs of Staff and the War Cabinet and of the assessments of Argentine intentions based on that information. Accordingly, it is crucial for the House and the public to be convinced that Ministers' public accounts of the information then available to them was accurate. On the basis of the documentary material to which we have been given access but which, for quite proper reasons, we are unable to report to the House, we are satisfied that the public explanations given to us by official witnesses during the course of this inquiry of the nature of the threat which the *Belgrano* and her escorts were perceived to have posed to the British Task Force and its mission on 2 May 1982 not only accurately conform with the information and intelligence assessments then available to Ministers and their military and naval advisers, but are such as to render any course of action, other than the one taken in authorising the attack on the *Belgrano*, a dereliction of duty on the part of the Government of the day.

[60] QQ96, 150.
[61] See paras 9.6 to 9.9 below.

Was the decision to sink the *Belgrano* militarily justified?

4.29 As Lord Lewin put it to us in evidence, referring, in particular, to the weather situation in the South Atlantic, "Time was not on our side."[62] It is our conclusion, based on the evidence and other information available to us, that

(i) there was evidence at the time of substantial Argentine military activity on 1 May 1982, and of Argentine intentions to attack the British Task Force;

(ii) the War Cabinet's assessment at the time was that the cruiser *General Belgrano* formed part of the Argentine plan to attack the Task Force;

(iii) there was no authoritative evidence at the time of an Argentine decision to withdraw all or part of its fleet on the night of 1–2 May 1982, nor is there evidence now that such a withdrawal would have been intended to achieve anything other than short-term tactical advantage; on the contrary: the classified information to which we have had access suggests that the Government had every reason to believe that the Argentine intention was to attack the Task Force;

(iv) the paramount obligation of the War Cabinet was to protect the Task Force which had arrived in the Falklands area, and action to pre-empt attacks on the Task Force was therefore justified if such attacks were thought to be imminent;

(v) even if the *Belgrano*'s change of course had been notified to Ministers during the afternoon of 2 May 1982, the assessment then available to Ministers of Argentina's tactical plans would not have justified a change in the orders given to *HMS Conqueror*; and

(vi) we are therefore satisfied that the decision to authorise the sinking of the *Belgrano* was militarily justified.

4.30 The questions whether, notwithstanding the perceived threat posed by the cruiser and other elements of the Argentine fleet, the decision to authorise submarine attacks on Argentine ships outside the Total Exclusion Zone conformed with the United Kingdom's rights under Article 51 of the United Nations Charter, and whether the warnings to Argentina and notifications to the United Nations Secretary-General conformed with the United Kingdom's obligations under the Charter, are considered in section 6 below.

5. THE PERUVIAN PEACE PROPOSALS

The initiation of talks between President Belaunde and Mr Haig

5.1 According to the account of President Belaunde Terry reported by Mr Gavshon and Mr Rice, the so-called Peruvian peace initiative got under way on the evening of Saturday 1 May 1982, when President Belaunde telephoned his ambassador in Washington to tell him of his worries about the situation developing in the South Atlantic. President Belaunde said:

[62] Evidence, p 96.

> "Half an hour later Haig himself rang me. He told me: 'President Reagan's not in Washington right now. He's in Knoxville, opening an exhibition. But I know that you are very concerned, and so are we. What can we do? How can you help us?' I told him plainly that I was on very good terms with Argentina and that I understood that his negotiations with her had not succeeded. 'That's right,' Haig agreed, 'there was intransigence on both sides.' I said then that some acceptable formula had to be found. We talked by phone for three-quarters of an hour and I finally asked him please to dictate to me the essential points from Britain's viewpoint. Haig read them over to me, and I for my part told him what word was unsatisfactory and what condition unacceptable for Argentina. We finally agreed on a plan which covered seven points, and I left it that I should call President Galtieri at once to put that formula to him."[63]

Although there is some discrepancy as to dates and times in his account, General Haig's memoirs confirm that the initiative for this new round of negotiations came from Peru.[64]

5.2 Some other accounts, however, place the beginning of the Peruvian initiative rather earlier. The authors of *La Trama Secreta*, for instance, suggest, first, that President Belaunde was "encouraged" from Washington to act as mediator in the dispute, quoting the then United States Ambasssador to the United Nations, Mrs Jeane Kirkpatrick, as affirming that the Peruvian peace initiative was "a new Haig mission in disguise". Second, they claim that the peace initiative effectively got under way "very early on the 1st [May]", when President Belaunde got in touch by telephone with Mr Haig, "who immediately perceived the possibility of establishing through Lima a new bridge between Argentina and Great Britain". Both men then began work on the formulation of proposals based on those previously rejected by Argentina, "but with some finesse Belaunde was suggesting improvements which would make the proposal palatable to the military junta".[65]

5.3 Mr Gavshon and Mr Rice tend to confirm the Argentine authors' account, placing the actual start of the process a little earlier. Mr Gavshon told us that "the actual action to launch this late initiative began on Friday 30 April shortly after lunch when Foreign Minister Arias Stella made contact with US Ambassador in Lima, Frank Ortiz . . . the American Task Force, looking after the Falklands problem at that time in the State Department, was immediately alerted. And although the first conversation between Belaunde and Haig only took place on Saturday night, 1 May, in fact there were a good deal of exchanges taking place on an official level between Lima and Washington".[66]

5.4 In view of other evidence of diplomatic activity in Lima during Saturday 1 May, it seems probable that Mr Gavshon's version of events is substantially correct, namely that the first direct talks between Mr Haig and President Belaunde were preceded by contacts at official level in Washington and Lima, which may have begun soon after the United States Administration's public announcement of support for the United Kingdom on Friday 30 April.

[63] Gavshon and Rice, *op cit*, pp 82–83.
[64] Alexander M Haig Jr, *Caveat* (1984), p 293.
[65] Cardoso, Kirschbaum and Van der Kooy, *op cit* pp 223–4 (Appendix 11).
[66] Q216.

The conduct of the talks

5.5 According to Gavshon and Rice, a seven-point plan was communicated by President Belaunde to General Galtieri at 01.30 (Buenos Aires time; 05.30 London time) on Saturday 2 May. The proposals were as follows:

"1 Immediate ceasefire.

2 Simultaneous and mutual withdrawal of forces.

3 Third parties would govern the Islands, temporarily.

4 The two governments would recognise the existence of conflicting viewpoints about the Islands.

5 The two governments would recognise the need to take the viewpoints and interests of the Islanders into account in the final solution.

6 The contact group which would start negotiating at once to implement this agreement would be Brazil, Peru, West Germany and the US.

7 A final solution must be found by 30 April 1983 under the contact group's guarantee".

The proposals were outlined in similar, but not identical, terms by Sir Nicholas Henderson,[67] and by the authors of *La Trama Secreta*.[68]

5.6 Discussions on the peace proposals outlined above continued, according to Mr Haig and President Belaunde, through much of 2 May 1982. The authors of both *The Sinking of the Belgrano* and of *La Trama Secreta* recount detailed telephone conversations between President Belaunde and General Galtieri or the Argentine Foreign Minister, Dr Costa Mendez, on 2 May 1982, although there is little direct reporting of conversations between President Belaunde and Mr Haig and his colleagues.

5.7 According to Messrs Gavshon and Rice, by the morning of Sunday 2 May Argentine objections to the proposals as outlined above were limited to two points: (i) the Argentine would not accept the United States as a member of the "contact" or supervising group of states; and (ii) the Argentine could not accept the reference to the "viewpoints" of the Falklands Islanders, preferring a reference to their "aspirations" instead. Mr Haig, in turn, is said to have told President Belaunde that "Britain was objecting to Peru's membership of the contact group" (thus implying close consultation with the British authorities on the details of the proposals), and, agreement having been reached between Lima and Washington to eliminate both Peru and the United States from the group of supervising countries, all that remained was the problem of "viewpoints" or "aspirations". At some time during the morning of Sunday 2 May, according to Mr Gavshon and Mr Rice, the Argentine Foreign Minister indicated that President Belaunde "could count on our reply being ratified at the level of the Military Committee at 20.00 hours Buenos Aires time" (*ie* midnight London time), so long as the British Government agreed to the use of the term "aspirations".[69]

5.8 In the early evening of Sunday 2 May, President Belaunde held a press conference in Lima, at which he announced an imminent end to hostilities

[67] "America and the Falklands." *The Economist*, 12 November 1983.
[68] Cardoso, Kirschbaum and Van der Kooy *op cit*, p 225 (Appendix 11).
[69] Gavshon and Rice, pp 88–92.

between Great Britain and Argentina and their acceptance of a plan based on the seven (or five)-point plan outlined above. Thereafter, it is alleged that news of the sinking of the *Belgrano* prevented approval of the plan by the Argentine junta and the inevitable drift towards outright war became irreversible: according to Mr Haig, "the Argentines, reacting angrily to the bad news, rejected the new peace proposal".

British knowledge of the Peruvian proposals

5.9 General Haig says in his memoirs that President Belaunde had "gained acceptance in principle from both parties".[70] This has, understandably, been taken to mean that the United Kingdom Government's agreement in principle had been obtained on Sunday 2 May 1982, and this view has been reinforced by Mr Haig's subsequent reported remarks. In particular, (i) Mr Haig said, during the "Panorama" programme on 16 April 1984, that, in discussions with Mr Francis Pym (then British Foreign Secretary) on the morning of Sunday 2 May, "we arrived at some articulations that appeared that they might be acceptable to the British Government;" and (ii) Mr Haig is reported to have told Mr Arthur Gavshon, during an interview in July 1984, that the British Ambassador in Peru (Mr Charles Wallace) "was in on every bit of the negotiations in Peru. He was right in with the President".[71] Several other accounts, and in particular that of Messrs Gavshon and Rice, lend substance to the view that both Mr Pym, during his visit to Washington, and Ambassador Wallace in Peru, were directly involved in negotiations over the Peruvian peace proposals.

5.10 ***How much did Mr Pym know?*** Mr Pym arrived in Washington on Saturday 1 May for consultations with the US Secretary of State "on the new situation which had been created" by the Argentine's rejection of Mr Haig's final peace proposals and the US President's subsequent open support for the United Kingdom in the Falklands dispute: "we had a very wide ranging review of the situation as it was at the time".[72]

5.11 According to some accounts, the first contact between Mr Haig and Mr Pym was a telephone call from Mr Haig on the evening of 1 May. Mr Pym has always denied that call.[73] Moreover, if other accounts of the Peruvian initiative are to be accepted as correct (see paras 5.1–5.4 above), it seems unlikely that Mr Haig would have had much to tell Mr Pym even if they had spoken on the Saturday evening.

5.12 It is agreed by both sides that Mr Pym and Mr Haig met for about two hours on the morning of Sunday 2 May 1982. According to Sir Nicholas Henderson, Mr Haig "briefly outlined certain ideas which had originated in a Peruvian peace initiative and which had not been formulated in any definitive way". During their discussions, Mr Haig "fully agreed that more time and more detailed work were needed".[74] Following this meeting, Mr Pym and Mr Haig met again at lunch with the British Ambassador, who told us in evidence that "from neither did I gain any impression that there was anything in the nature of a clear-cut Peruvian plan that had got any further forward or was all that

[70] Alexander M Haig Jr, *Caveat* p 293.
[71] Evidence p 40.
[72] Appendix 1, QQ384–5 (1983–84).
[73] *eg* Appendix 1, Q380–2 (1983–84).
[74] "American and the Falklands", *The Economist*, 12 November 1983.

different from various schemes that Haig himself had put forward and that had been categorically rejected by Argentina"[75].

5.13 Mr Pym's account of his meeting with Mr Haig on 2 May 1982 confirm Sir Nicholas Henderson's account. He told us that Mr Haig had outlined the "new set of possibilities" from Peru: "it was not in any way a developed series of proposals. It was, as it were, headings of possibilities for the future . . . There was no set of proposals or anything on the table of a kind that was even leading to peace negotiations . . . Mr Haig had himself said on more than one occasion, in the course of the day, that these proposals needed much further work and further clarification".[76]

5.14 Journalistic accounts paint a rather different picture of the discussions between Mr Haig and Mr Pym. Messrs Gavshon and Rice, for instance, quote Mr Costa Mendez as claiming that "Haig in turn affirmed that he was keeping Foreign Secretary Pym informed as Pym was with him in the same office in Washington throughout the Argentine-Peruvian conversations on the morning of 2 May", and Dr Arias Stella (the Peruvian Foreign Minister) as referring to Mr Haig, "whom we always took to be speaking for Britain". According to these authors, Mr Haig knew, before his meeting with Mr Pym, "that Galtieri had accepted the detailed peace proposals in principle, except for the outstanding disagreement between "wishes" and "aspirations".[77] Similarly, the authors of *La Trama Secreta* suggest that "Haig had transmitted the plan to the British Foreign Secretary Pym, who immediately made known his objections"; Mr Haig, according to this account, "had his channel with London open via the Foreign Secretary, Francis Pym, who was visiting him in his office in Washington".[78] There is no doubt, in our view, that the Peruvian Government and, as a result, the Argentine junta also, believed that Mr Haig was in close contact with Mr Pym on the details of the Peruvian proposals on the morning of Sunday 2 May 1982. Nothing from British sources, however, suggests that that was in fact the case.

5.15 Mr Pym was due to leave Washington after lunch on Sunday 2 May to fly to New York on a scheduled flight for talks over dinner with the United Nations Secretary-General, Sr Perez de Cuellar. Immediately before his departure from the British Embassy, Mr Pym received a further telephone call from Secretary of State Haig intended, amongst other things, "to stress the importance of these proposals".[79] Sir Nicholas Henderson initially suggested that the two men actually spoke on the telephone.[80] According to Mr Pym, however, he "authorised the Ambassador to reply saying that he (Mr Haig) need have no doubt whatsoever about the importance that I attached to them". Mr Pym went on to stress that, if the Peruvian proposals had been more fully developed, "then of course I would not have wanted to leave for New York . . . But it was not like that. . . . There was not any event, not any discussion nor any part of the discussion during the course of 2 May which was of such a kind as to say that

[75] Appendix 1, Q270 (1983–84).
[76] Appendix 1, Q384–9 (1983–84).
[77] Gavshon and Rice, *op cit* pp 92–3.
[78] Cardoso, Kirschbaum and Van de Kooy, *op cit* 227–8 (Appendix 11).
[79] Appendix 1, Q387 (1983–84).
[80] *Economist*, 12 November 1983.

this entirely changed or even looked remotely at any stage likely to change the scene".[81]

5.16 Mr Pym thereupon left New York for Washington, where he dined with Sr Perez de Cuellar and the UK Permanent Representative at the United Nations, Sir Anthony Parsons. According to Sir Anthony, there was, during dinner "some talk—not very specific—about Peruvian proposals". Sr Perez de Cuellar (who, after all, as a most senior Peruvian diplomat, would be likely to have been alert to a development of this nature) "knew virtually nothing about them". Instead, Mr Pym, Sr Perez de Cuellar and Sir Anthony Parsons spent "the whole evening discussing the Secretary-General's initiative". Sir Anthony Parsons later expressed the view to us that if the Secretary-General "had felt that the Peruvian proposals were in such an advanced form and of such a nature as to stand a strong chance of producing the right result, I am perfectly sure he would not have put forward his own proposals; he would have said, "let these have a chance, and I'll stay in the background". Throughout the whole evening I have absolutely no recollection of that thought ever being voiced by anybody round the table".[82] Our conversations during our visit to the United Nations in May 1984, which included discussions with the Secretary-General, tend to confirm the view that, like Mr Pym, Sr Perez de Cuellar did not regard the Peruvian peace initiative as an imminent solution to the Falklands crisis.

5.17 Despite the many journalistic accounts which suggest otherwise, we have no reason to disbelieve Mr Pym's recollection of his discussions with Mr Haig on the morning of Sunday 2 May 1982. Mr Pym appears to have been given an outline of the Peruvian proposals, to have made some initial comments about possible British objections to the headings proposed, and to have agreed with Mr Haig both that the proposals were worth pursuing and that "much further work" needed to be done on them. Responsibility for any impression that Mr Pym was, at this stage, already negotiating the details of the proposals must, we believe, rest elsewhere.

5.18 *How much did Ambassador Wallace know?* Mr Haig is said to have told Mr Arthur Gavshon that "the British Ambassador was in on every bit of the negotiations in Peru". We therefore invited Mr Wallace from his current posting in Montevideo to explain his actions during the weekend of 1–2 May 1982.

5.19 Mr Wallace confirmed in evidence that, on instruction from London, he met both the Peruvian Deputy Foreign Minister and the Foreign Minister himself on the morning of Saturday 1 May 1982. At these meetings, "I was given no indication that any new initiative was being considered", although Dr Arias Stella (then the Peruvian Foreign Minister) "also asked me if there were any ways in which the Peruvians could help to break the diplomatic deadlock".[83] Mr Wallace subsequently sent a telegram to the FCO in London "without any reference to any new proposals because no such proposals had been mentioned to me".[84]

5.20 According to Mr Wallace, there "must have been a telephone call on the Sunday morning summoning me to appear before the [Peruvian] Foreign

[81] Appendix 1, QQ387, 403 (1983–84).
[82] Appendix 1, QQ351–3 (1983–84).
[83] Q305.
[84] Q307.

Minister at 1830 that evening". On his way by car to the Foreign Ministry that evening, "I heard on my car radio part, only part, of the Presidential broadcast which had begun at 1800 hours local time, in which the President announced that a series of proposals had been elaborated . . . The Minister received me at 1830 when he first conveyed to me the details of the Peruvian proposals".[85]

5.21 Mr Wallace went on to confirm in his evidence that "There were certainly no negotiations which had taken place in which I was involved. I was not at any stage involved in the formulation of the production of these proposals. . . . I can categorically deny that I was in any room at any time when anyone was speaking to General Haig on the telephone".[86] Mr Wallace went on to tell us how he, with Dr Arias Stella, had "scribbled down" the Spanish and English versions of the seven-point plan, during their meeting on the evening of 2 May, "so that I could have a copy of each in order to ensure there could be no possible risk of subsequent misinterpretation".[87] Mr Wallace's report on these conversations was received by the Foreign and Commonwealth Office, in London "shortly after 0100 hours [London time] in the morning of 3 May".[88]

5.22 Mr Wallace's account of the events in Lima on 1 and 2 May 1982 conforms with that given by FCO representatives to us in evidence last year.[89] It does not, of course, conform with the account given to Mr Gavshon and Mr Rice by Dr Arias Stella, then the Peruvian Foreign Minister. Dr Arias is said to have claimed that he was "in constant telephone contact from about midday that Saturday" until well into Sunday 2 May 1982 both with the Argentine Ambassador in Lima and with the British Ambassador, Charles Wallace, whom he knew well . . . Wallace, a conscientious man, gave Arias Stella the clear impression that he was referring back to London all the time".[90] Equally, Mr Wallace's account does not conform with Mr Haig's reported "assumption" that Mr Wallace was actively involved in discussions with President Belaunde and reporting his conversations to London.[91].

5.23 We have to weigh the British Ambassador's formal evidence against the reported claims of other actors in the events in Lima. As is the case with many of the different accounts of the events of this weekend, much of the information is second-hand but, because of its claimed original source, very persuasive. It is also undoubtedly the case that the same event, the same conversation, may have appeared in entirely different terms to the different actors involved. Thus the conversation between Mr Wallace and Dr Arias Stella at midday on Saturday 1 May clearly meant different things to the two interlocuters, and it may well be that Mr Wallace did not interpret what Dr Arias then said to him as Dr Arias intended. We have, however, had the opportunity of discussing these events with Dr Arias (during our visit to New York in May 1984); and it was clear during those discussions that Dr Arias himself did not believe that he had on that occasion communicated anything other than a general Peruvian wish to bring the parties together.

[85] QQ308–9.
[86] QQ310–311.
[87] Q317.
[88] Q335.
[89] See *eg* Appendix 1, Q638 (1983–84).
[90] Gavshon and Rice, *op cit*, p 96.
[91] Q249.

5.24 We have no reason to disbelieve Mr Wallace's account of his relations with the Peruvian President and Foreign Ministry during the weekend of 1 and 2 May 1982. There is, in particular, no evidence to support the hypothesis that Mr Wallace was advised of the detailed Peruvian proposals until his meeting with Dr Arias Stella on the evening of Sunday 2 May, some time after the *Belgrano* had been attacked. This view is supported by the telephone conversation between Dr Arias and Dr Costa Mendez on the morning of Monday 3 May 1982, in which Dr Arias specifically stated that the Peruvian authorities had not been in direct touch with "England" during the weekend.[92] It is, perhaps, not without significance that of the many telephone conversations reported by them between Lima and Buenos Aires, this particular conversation was not reproduced by Mr Gavshon and Mr Rice.

5.25 *How much did the War Cabinet know?* Assuming as we do, that the accounts given to us by Mr Pym, Ambassador Henderson and Ambassador Wallace are correct, the first account of the outline Peruvian peace proposals was not despatched from Washington until after 5.00 pm local time (10.00 pm London time). Mr Wallace's account of his conversations with Dr Arias Stella, and of the Peruvian President's press conference, was not received in London until shortly after 1.00 am (London time) on Monday 3 May 1982. If these accounts are correct, the first news of the Peruvian peace initiative cannot have reached the War Cabinet earlier than about 10 hours after they had authorised the change in the Rules of Engagement which permitted the sinking of the *General Belgrano*, or more than two hours after the cruiser was torpedoed.

5.26 During the "Panorama" programme on 16 April 1984, Mr Cecil Parkinson, MP, then Chairman of the Conservative Party and a member of the War Cabinet, said that, at the time of the meeting of the War Cabinet at lunchtime on Sunday 2 May 1982, "we knew that all sorts of people were . . . people who wanted to see a peaceful solution, which we wanted to see, which the prime example is . . . was President Belaunde, trying to take up where General Haig had left off . . . we knew all the time that there were continuing processes". Mr Parkinson's statements were widely regarded as an admission that specific information about the Peruvian initiative was available to the War Cabinet when the Rules of engagement were changed on 2 May. He has since explained to us in evidence that he "had no knowledge of any specific Peruvian proposals on that Sunday morning but, in the course of the weeks before, various names had been mentioned of people who might seek to help if the Haig initiatives failed, and President Belaunde's name had been mentioned as a possible mediator, as had one or two others . . . the Committee would be wrong in reading anything specific into my reference to President Belaunde".[93]

5.27 Mr Parkinson's denial of any knowledge of any specific Peruvian proposals has been consistently upheld by other participants in the War Cabinet meetings on 2 May 1982. The Prime Minister, in particular, has repeatedly denied that Ministers had any knowledge of the Peruvian proposals before the *Belgrano* was sunk, the "first indications" of the proposals not having reached London from Washington until "11.15 pm London time on 2 May".[94] And Sir John Nott, in evidence, told us that:

[92] Q437, Cardoso, Kirschbaum and Van der Kooy, *op cit* Appendix 11.
[93] Appendix 3.
[94] See *eg* paragraph 15 of the Annex to the Prime Minister's letter to George Foulkes, MP, 19 September 1984. (HC Debs, 29 October 1984, cols 788–91 *written*.)

> "I do not recall when I first heard of the Peruvian negotiations, but I am certainly quite confident that I had no knowledge of them at the time we met at Chequers on the Sunday morning of 2 May . . . What General Haig and Francis Pym discussed at lunch in Washington, I have not the remotest idea. My understanding was that we first heard of the Peruvian negotiations rather later than that".[95]

5.28 We have no reason to disbelieve the evidence of the participants that the War Cabinet was not aware of the specific Peruvian peace proposals at the time of the decision to change the Rules of Engagement to permit the attack on the *General Belgrano* on Sunday May 1982. Those diplomatic communications to which we have had access confirm this view. Moreover, the timetable of events in London, Washington and Lima during the morning of Sunday 2 May suggests that remarkable clairvoyant skills would have been required for this specific information to have been transmitted in advance of the War Cabinet meeting at Chequers.

5.29 Because of the apparent conflict of evidence between the statements of British participants and other participants and observers on the diplomatic events of 1 and 2 May 1982, we sought information from Mr Haig about, in particular, the nature of his discussions with Mr Pym in Washington on 2 May and his assessment of Ambassador Charles Wallace's involvement in negotiations in Lima on that date, both of which could have a direct bearing on our assessment of the information available to the War Cabinet on that date. Although Mr Haig did not feel that it would be "appropriate" to comment in detail on these points, he nevertheless told us that

> "At no time during that weekend, or during preceding or subsequent events, did I have reason to question the motives of the officals of Her Majesty's Government with respect to the *Belgrano* nor do I have any basis for challenging the statements made by responsible representatives of the government at that time."[96]

Mr Haig appears to be telling us that the evidence given to us by Mr Pym and Mr Wallace, which was quoted to him, was correct.

The acceptability of the Peruvian plan

5.30 Throughout the period since he first laid serious charges against the Prime Minister and the War Cabinet, Mr Dalyell has alleged that the decision to authorise the sinking of the *Belgrano* was taken "in the knowledge that an honourable peace was on offer and in the expectation . . . that the "*Conqueror*'s torpedoes would torpedo the peace negotiations".[97] We have concluded above that the War Cabinet was not aware of the Peruvian peace proposals at the time of their meeting on 2 May 1982, nor at any time prior to the actual attack on the *Belgrano*. It is nonetheless still relevant to consider whether the heads of agreement negotiated between Washington, Lima and Buenos Aires during the weekend did in fact constitute the basis of an "honourable peace" which was likely to have proved acceptable in identical terms to both the Argentine and United Kingdom Governments.

[95] QQ595–6.
[96] Appendix 12.

5.31 *How close was Argentine agreement?* Both in their evidence to us and in their book, *The Sinking of the Belgrano*, Mr Gavshon and Mr Rice have insisted that, at least by the time of the end of the meeting between Mr Haig and Mr Pym on the morning of 2 May, (*ie* about 12 noon or 5.00 pm London time) Mr Haig had "received a confirmation from the Peruvians that Galtieri had accepted the peace proposals in principle"[98] subject, however, to agreement being reached over the question of whether the "wishes", "viewpoints" or "aspirations" of the Falkland Islanders would be taken into account in the final solution, and subject to the agreement of the whole junta that evening. Mr Rice believed that Argentine acceptance had been particularly likely since the "so-called Working Committee—which was composed of the three top men in the three armed services—had been right through the proposal and gone to Galtieri and said: 'Accept, this is a good deal'. There had never been a recorded case of the Working Committee's recommendation on any key point not being accepted."[99]

5.32 Mr Gavshon and Mr Rice support their claim that Argentina was ready to sue for peace by reports of pressure from the Argentine military on the junta to "negotiate and at all costs avoid all-out war", a recommendation which is said to have been made by a meeting of "between 15 and 20" army commanders at a meeting at the Campo de Mayo base on the afternoon of 1 May.[100] Under examination, Mr Rice admitted that he had no proof for this claim, although he had "got it from somebody who was very near to Galtieri" and who had proved a reliable source of information in other respects.[101] Mr Gavshon and Mr Rice also directly quote a request by the Peruvian Foreign Minister to General Haig on 1 May to try to obtain a temporary truce from the British Government,[102] and a statement by President Belaunde after the event that he understood "that it was *practically a tacit understanding* that while there was any possibility of a negotation, those people would refrain from any warlike act"(our italics).[103] Mr Gavshon, however, conceded that evidence of Argentine military activity, particularly on 1 May, "would run counter to the idea of a tacit understanding".[104]

5.33 The implication drawn by Mr Gavshon and Mr Rice from their interviews, and from the transcripts of the telephone conversations between Lima and Buenos Aires, is that by the afternoon of 2 May, the Argentine President, under pressure from the armed forces, was prepared to sue for peace, and agree with everything in the Peruvian text, with the possible exception of the difference over "wishes", "viewpoints" and "aspirations." At one point in their account, indeed, they imply that, by accepting "aspirations" as a compromise, the Argentine Foreign Minister had in fact indicated complete Argentine acceptance.[105] In any case, according to Mr Rice, "the distance between 'aspirations' and 'wishes' is not enough to make anyone go to war".[106] That, of course is a highly questionable statement when applied to either the Argentine or United Kingdom governments at the time.

[98] Evidence p 31.
[99] Gavshon and Rice *op cit* p 94; Q189.
[100] Gavshon and Rice *op cit* p 79.
[101] Q262.
[102] Q214.
[103] Gavshon and Rice *op cit* p 119.
[104] QQ254–5.
[105] *loc cit* p 91.
[106] Q274.

5.34 Significantly, the Argentine journalists' account of the communications between Lima and Buenos Aires, from which Mr Gavshon and Mr Rice evidently drew much of their material, comes to quite other conclusions. Although, with even greater confidence than Mr Gavshon and Mr Rice, they base their account on the assumption the UK Government was directly involved in the negotiations, they do not give the impression that the junta's agreement to the terms of the agreement could be confidently expected. First, they stress the Argentine Foreign Minister's insistence that "the word 'wishes' is unacceptable", and the difficulty of finding an acceptable compromise on this point. Second, they stress General Galtieri's "annoyance" with President Belaunde during that afternoon, Galtieri insisting that, although "what you discussed with Costa Mendez is all right", "it does not oblige me to give you a reply, because I can't. You understand, I also have my Senate and I must consult it". Finally they suggest that, by the time of President Belaunde's press conference on the evening of 2 May (before news of the attack on the *Belgrano* had reached the Argentine junta), "it was certain that Belaunde's proposal seemed destined to fail": "the impression that the agreement promoted by Belaunde was failing also increased in Buenos Aires, in spite of *the untimely announcement of the Peruvian President* (our italics). There was an enormous gap between expression of optimism and the depression noticed above all among Argentine diplomatic staff." Moreover, their account conveys no sense of any pressure from the Argentine military to sue for peace at that time.[107]

5.35 We cannot escape the conclusion that the Gavshon and Rice claim that the Argentine junta was on the brink of agreeing to the Peruvian peace proposals when news of the attack on the *Belgrano* arrived is anything other than highly speculative, and selective, interpretation of the information available to them.

5.36 *How acceptable were the Peruvian proposals to the United Kingdom?* Since we believe it to be clear that the United Kingdom Government was not involved in the negotiations of the details of the Peruvian President's proposals on 1 and 2 May, it is a largely academic question whether those proposals would have been acceptable in the form which they appear to have reached by the afternoon of Sunday 2 May 1982. Subsequently, of course, the initial set of proposals which reached London on the evening of 2 May were considered by the British Cabinet, and after subsequent negotiations with Mr Haig and President Belaunde, a modified set of proposals was put forward by the British Government on Thursday 6 May. But the modified proposals which were then acceptable to the United Kingdom were, on the most significant point, fundamentally different from those which, it is alleged, might have proved acceptable to the Argentine junta on 2 May. And the modified proposals were accordingly not acceptable to Argentina, since the amended proposals were to be "without prejudice to our [United Kingdom] principles or to the wishes of the Islanders".[108]

5.37 Argentina's refusal recognise the rights of the Falkland Islanders, and the United Kingdom Government's insistence on the "paramountcy" of those rights had been the stumbling block in all previous negotiations, including those conducted by General Haig during April 1982. The fact that, between 2 and 6

[107] Cardoso, Kirschbaum and Van der Kooy, *op cit* p 233 (Appendix 11).
[108] HC Debs, 7 May 1982, col 395. See also Evidence (1983–84), pp 152–4; Appendix 1, Q409 (1983–84); and QQ420–24.

May 1982 the two Governments appeared willing to accept those versions of the Peruvian proposals which tended towards their own long-held positions and were unwilling to accept those which did not is hardly surprising: both sides believed that this issue was too fundamental to concede, even when further hostilities had been engaged.

5.38 It is, of course, a matter of opinion whether the proposals in the form in which they were handed to Ambassador Wallace on the evening of 2 May 1982 would have represented "an honourable peace" from the United Kingdom's point of view. But it cannot be a matter of opinion that the United Kingdom Government itself did not regard the proposals in that light.

5.39 *Was an agreement in sight?* Despite the fact that he has been widely quoted in more optimistic terms elsewhere, General Haig's evidence to us about the chances of a settlement being reached during the weekend of 1 and 2 May is categorical:

> "At no time during that difficult weekend of 1–2 May 1982 did I believe we were on the verge of a settlement. This subjective attitude on my part was the result of weeks of tedious negotiations with the then Government of Argentina involving a comparable political framework for settlement. It did not, however, dampen my enthusiasm for exploring any possible political solution which would not condone rule of force."[109]

5.40 We conclude

(i) that there is conflicting evidence about whether the Peruvian peace proposals, even in the form in which they were then being discussed between Lima and Buenos Aires, stood a real chance of acceptance by the Argentine junta on Sunday 2 May 1982, but the balance of opinion appears not to support that proposition;

(ii) that the Peruvian proposals were not in a form acceptable to the United Kingdom Government when delivered to them on 2 May 1982;

(iii) that the outcome of the subsequent negotiations between 3 and 6 May strongly suggests that the Peruvian proposals did not at any stage represent a formula for a cease fire agreement acceptable in identical terms to the Governments of both Argentina and the United Kingdom, and

(iv) that the British War Cabinet was not aware of the peace proposals initiated by the Peruvian Government when the order was given that the *Belgrano* could be attacked, and therefore could not have been motivated by a desire to frustrate such proposals.

The problems of communication and "personalised diplomacy"

5.41 From our account, and those of numerous commentators and participants, it is abundantly clear that a series of genuine misunderstandings appear to have arisen between the ministerial and diplomatic representatives of the four governments involved during the three days from 30 April to 2 May 1982. President Belaunde appears in particular to have assessed with too great a degree of optimism the outcome of his conversations with both Secretary of State Haig,

[109] Appendix 12.

on the one hand, and with General Galtieri and Dr Costa Mendez, on the other hand.

5.42 In setting out our conclusions above, it is certainly not our intention to imply that we disbelieve what President Belaunde and Dr Arias Stella are reported to have said about the events of the weekend, or that we believe that there has been a deliberate attempt on the part of the Peruvian authorities, who made such enormous and commendable efforts to secure an agreement at this time, deliberately to rewrite their version of the weekend's negotiations.

5.43 But the misunderstandings and misinterpretations which then arose, and still persist, undoubtedly point to the risks and problems inherent in the kind of personalised diplomacy in which Mr Haig and President Belaunde, in particular, appear to have engaged on 1 and 2 May 1982. In a supplementary memorandum submitted last September, Mr Gavshon and Mr Rice draw attention to the "negative aspect of personalised ministerial involvement in negotiations without the back-up of experienced diplomats", to the imperfections "inevitable when mediation processes are launched at short notice", and to the "built-in defects" of the "process of multiple mediation". They go on to say that:"The consequence of that complicated system of communication was that nuances were lost, precision became diluted, misperceptions or misunderstandings crept in, glosses were added, hidden messages remained undetected", and they conclude that "in any process of multiple mediation careful preparations are needed to ensure swift, full and efficient communication between all the parties."[110] We regard those observations as a sane and balanced verdict on the real reasons for the failure of what was a clearly well-intentioned, but far too hasty, effort to secure agreement in a dispute which had proved so intractable to professional diplomats for almost two decades.

6. THE WARNINGS TO ARGENTINA

Introduction

6.1 The United Nations Charter describes the rights and obligations of a member nation subjected to armed attack as follows:

> "Article 51
>
> Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."

[110] Evidence pp 40–41.

The United Kingdom Government consistently and properly maintained throughout the Falklands conflict that, as the recognised administering authority for the Falkland Islands under Article 73 of the UN Charter, the United Kingdom had been subject to armed attack when Argentine forces invaded the Falkland Islands and South Georgia, and therefore possessed an "inherent right of self-defence" under Article 51.

6.2 In accordance with the other provisions of Article 51, the United Kingdom Government reported the measures which it had taken in exercise of its right of self-defence to the UN Security Council. These measures included the issue, through the Swiss Protecting Power, of certain direct and public warnings to Argentina, and on two occasions the establishment of "exclusion zones" within which Argentine forces would be regarded as hostile and liable to attack.

6.3 It has been a matter of continuing public debate whether the warnings previously issued to the Argentine Government by the United Kingdom, and notified to the Security Council, were sufficiently wide to embrace the orders given to *HMS Conqueror* on 2 May 1982 and the general extension of the Rules of Engagement for submarines in the South Atlantic under which those orders were given. This debate was fuelled by claims that the then Foreign Secretary, Mr Pym, had either objected to the earlier decision of the War Cabinet on 30 April to permit an attack outside the Exclusion Zone on the Argentine aircraft carrier, or had, at least, suggested the need for a further warning to the Argentine before such an attack was made.

The Exclusion Zones

6.4 *The MEZ:* On 7 April the then Secretary of State for Defence announced that a notice was being issued to all shipping, as follows:

> "From 0400 Greenwich Mean Time on Monday 12 April 1982, a maritime exclusion zone will be established around the Falkland Islands. The outer limit of this zone is a circle of 200 nautical mile radius from latitude 51 degrees 40 minutes South, 59 degrees 30 minutes West, which is approximately the centre of the Falkland Islands. From the time indicated, any Argentine warships and Argentine naval auxiliaries found within this zone will be treated as hostile and are liable to be attacked by British forces. This measure is without prejudice to the right of the United Kingdom to take whatever additional measures may be needed in exercise of its right of self-defence, under article 51 of the United Nations Charter."[111]

This announcement was communicated to the President of the Security Council in a letter from the United Kingdom's Deputy Permanent Representative at the UN on 9 April.

6.5 *The TEZ:* On 28 April 1982, following the arrival of much of the Task Force in the area, the British Government announced[112] the extension of the provisions of the MEZ to cover "any other ship, whether naval or merchant vessel, which is operating in support of the illegal occupation of the Falkland Islands by Argentine forces. The exclusion zone will also apply to any aircraft,

[111] HC Debs, 7 April 1982, col 1045.
[112] HC Debs, 28 April 1982, col 296 (*written*).

military or civil, which is operating in support of the illegal occupation". This announcement was also communicated to the Security Council by the United Kingdom Permanent Representative.[113]

6.6 *The purpose of the Exclusion Zones:* The purpose of establishing the exclusion zones was not fully explained during the Falklands conflict, although the Prime Minister, in a debate on 29 April 1982, described the intended effect of the Total Exclusion Zone as "a complete blockade . . . on all traffic supporting the occupation forces of Argentina".[114]

6.7 In his evidence, the Secretary of State for Defence described the purpose of the exclusion zones in general terms:

> "It was . . . part of the process of our gaining control of the Falkland Islands as the fleet sailed from Ascension Island. As we began to achieve a capability in the area of the Falkland Islands, it became necessary to establish what our military disciplines were to be, in terms of the Rules of Engagement, and how we defined our military priorities. So with the growing naval capability, we first established, by announcement on the tenth and enforcement on the twelfth, a maritime Exclusion Zone of 200 nautical miles from the Falkland Islands. We could not enforce a more ambitious exclusion zone until we had an air capability. When we had this we turned the zone into a Total Exclusion Zone—that was on 30 April. On 23 April we informed the United Nations of our intentions in this matter, including to act under Article 51 where appropriate."[115]

6.8 Admiral Lord Lewin, in his evidence, provided us with more detail of the military problems with which the exclusion zones were designed to deal, and also emphasised the primarily political and psychological purposes the MEZ, in particular, was intended to serve. So far as the MEZ was concerned, he explained that:

> "we wanted to indicate to the Argentinians our determination to carry this issue further if negotiations did not succeed as part of the political pressure. Military means open to us were very restricted. The Task Force had only just sailed and it took three to four weeks to get there. The Argentines meanwhile were engaged in a massive reinforcement of the Falklands . . . We wanted to do something about it to stop this reinforcement. The only means open to us was a nuclear submarine which had sailed early and could reach the area of the Falklands on 12 April. Our nuclear submarines have limitations; because in international law you cannot attack a merchant ship without first stopping it and warning it and inviting it to reverse its course, a nuclear submarine would have to surface and a nuclear submarine on the surface is extremely vulnerable to air attack or indeed to surface attack and they never surface in proximity to the enemy. So all that a nuclear submarine can do is to attack warships and naval auxiliaries which are naval manned and flying the naval ensign. So the only thing we could do was to establish what we called—and we searched for words—a Maritime Exclusion Zone which was a 200 mile circle based on a geographical point within which any Argentinian warships or naval auxiliaries would be sunk without warning".

[113] Appendix 5.
[114] HC Debs, 27 April 1982, col 981.
[115] Q67.

6.9 Admiral Lewin conceded that the MEZ "could obviously not stop reinforcement because merchant ships could still go in and aircraft could still go in". Accordingly, "its effect was more psychological than military". The Total Exclusion Zone, however, was established "when the Task Force arrived within the range of the Falklands": "we then had the capability to do better with the interdiction of reinforcements . . . So we could now apply a Total Exclusion Zone to all ships and all aircraft, military or civil, of any nation".[116]

6.10 Lord Lewin went on to explain that, following "quite a lot of discussion", it had been decided to apply the word "Total", "because we wanted to put psychological significance to it. We meant that *nothing must come inside this circle*" (our italics). Although a wider zone might have been preferable from a military point of view, the establishment of a clear cut 200 mile zone bore some resemblance to the territorial waters claimed by some nations. It was, however, a perfect circle because "a 200 mile territorial zone round the Falklands . . . would be a very funny shape, it would have been impossible to define, and *you would have arguments "Am I inside or am I outside?" If you draw a circle, it is cut and dried*" (our italics).[117]

6.11 Lord Lewin told us that he could not understand at all the reported attitude of some of the Argentine military authorities that the announcement of the Exclusion Zones was an indication that UK forces would not attack Argentine vessels outside the zones unless they were overtly hostile. In his view, the warning of 23 April to the Argentine junta (which we discuss below)[118] "was crystal clear to any military commander".[119] The *Belgrano*'s commanding officer, Captain Bonzo, appears not to have understood the United Kingdom's intentions so clearly: "I thought that a Total Exclusion Zone must mean that if you were in it, then you got shot at. If you were not in it, you did not get shot at. But if you are going to be shot at in any case, then tell me, why have a Total Exclusion Zone at all?"[120]

The warning to Argentina on 23 April 1982

6.12 In announcing both the MEZ and the TEZ the United Kingdom Government stressed that the establishment of the zones was "without prejudice to the right of the United Kingdom Government to take whatever additional measures may be needed in exercise of its rights of self-defence, under article 57 of the UN Charter", thus implying that action might be taken, in self-defence, against Argentine forces outside the exclusion zones. On 23 April, HM Government issued a warning to the Argentine Government which went some way to explain the additional circumstances in which this right of self-defence would be exercised. This warning, which was communicated to the Security Council on the following day,[121] made clear that "any approach" by Argentine vessels or aircraft,

[116] Q446.
[117] QQ447–450.
[118] Paras 6.12–6.19.
[119] Q453.
[120] Gavshon and Rice, *op cit*, p 112.
[121] Appendix 5. It was issued in a Ministry of Defence press statement at 1.00 am on 26 April 1982.

"*which could amount to a threat to interfere with the mission of the British forces in the South Atlantic,* would encounter the appropriate response" (our italics). No further warning was issued to the Argentine Government until 7 May 1982: the warning of 23 April, together with the announcements of the exclusion zones, therefore constituted the only public indication of the action HM forces might take against Argentine vessels or aircraft at the time of the attack on 2 May 1982.

6.13 The terms of the warning of 23 April, which applied not only to Argentine vessels or aircraft which were actually threatening individual elements of the Task Force, but also to those whose approach "could" amount to a threat to interfere with the "mission" of the Task Force, were clearly very widely drawn, and it may well be that the significance of these words was not fully appreciated either by the Argentine authorities or by some opinion in the United Kingdom. Representatives of HM Government have consistently maintained that the warning was sufficiently wide to have covered both the change in the Rules of Engagement on 30 April (authorising a submarine attack on the Argentine carrier) and the change on 2 May, which authorised submarine attacks on all Argentine vessels (including the *Belgrano*) outside the TEZ.

6.14 Indeed, so widely drafted was the warning that it is arguable that there was no need for the War Cabinet to satisfy itself that the *Belgrano* constituted a threat of any kind of immediacy against elements of the Task Force, but merely that the cruiser's presence in a particular area might inhibit the planned future activities of such units, thus constituting a threat to the Task Force's "mission" to retake the Falklands. This certainly seems to be the thrust of the Secretary of State's evidence to us.[122] Lord Lewin made it clear that, in his view, "the *Belgrano* was a threat to Woodwood *carrying out his mission"* (our italics) . . . He could not do his job while *Belgrano* was where she was or even at sea",[123] and HM Government's formal notification to the Security Council of the action against the *Belgrano* recalled the wide terms of the 23 April warning before stating that "The cruiser posed a significant threat to the British Task Force *maintaining* the Total Exclusion Zone" (our italics).[124]

6.15 Mr Clive Ponting has claimed that in the period between the War Cabinet meeting on 30 April 1982 and the issue of a further warning to Argentina on 7 May, "the UK Government had been in the position where the agreed rules by which its ships were operating in the South Atlantic went further than the public warnings indicated. And this was the only time that the UK was in such a position during the conflict".[125] This statement was flatly contradicted by Lord Lewin, who told us that "We never had Rules of Engagement which went beyond the scope of the public warnings".[126]

The warning to Argentina on 7 May

6.16 Even if the applicability of the 23 April warning to the Rules of Engagement changes of 30 April and 2 May was well understood by the British military and political authorities, it is now clear that there was, at the very least,

[122] See eg QQ125–6.
[123] QQ512, 515.
[124] Appendix 5.
[125] Clive Ponting, *The Right to Know* (Sphere Books, 1985) p 94.
[126] Q474.

considerable doubt amongst Ministers as to whether the 23 April warning was fully understood in those terms in Argentina or elsewhere in the world. In the Annex to her letter to Mr George Foulkes on 19 September 1984, the Prime Minister denied that individual Ministers had "opposed or dissented from the decision of 30 April", but conceded that, on the following day, "the Foreign Secretary raised the need for a further warning to the Argentine Government". Mrs Thatcher went on to imply that the Argentine Air Force's attacks on the Task Force on 1 May and "the clear and unequivocal indications . . . that the Argentine Navy was committed to hostile action against the Task Force", changed the situation in such a way that the need for a further warning at that time became irrelevant.

6.17 As is now known, the Foreign Secretary's minute to the War Cabinet on 1 May, which had been drafted after discussions with the Attorney-General about "the way in which our action would have to be publicly justified and its legality defended",[127] did not argue with the decision to authorise an attack on the *25 de Mayo* outside the Exclusion Zone, but argued strongly that a further warning should be conveyed "urgently" to the Argentine Government. Lord Lewin expressed the view that the Foreign Secretary and the Attorney-General were not raising doubts about the legality of the change in the Rules of Engagement on 30 April, but were concerned about whether an attack outside the TEZ might be *thought* to be going beyond the provisions of Article 51 of the UN Charter by public and international opinion.[128] Sir John Nott also told us that the Law Officers, "both in the Foreign Office and the Attorney-General, were advising that the 23 April warning was sufficient warning to enable us to change the Rules of Engagement . . . I saw no possible reason for continuously issuing warnings, when we had already been advised that the 23 April warning was adequate in international law".[129]

6.18 Despite this apparent certainty about the legal position, HM Government did nonetheless decide to deliver a further warning to Argentina on 7 May 1982. Sir John Nott regarded this warning as "quite unnecessary"[130] but the Foreign and Commonwealth Office explained to us that the warning was intended "to clarify Britain's position following the events of late April 1982".[131] According to the present Secretary of State for Defence, there was, following the sinking of the *Belgrano*, "continuing controversy about the legality of the attack on the cruiser, and it was in order to remove any possible continuation of that controversy that on 7 May the Government re-emphasised the decisions and announcements that it had already made".[132] The Government similarly explained the reason for the new warning on 7 May in the letter of the UK Permanent Representative to the President of the Security Council on 8 May 1982: the main purpose of the new announcement was, the letter explained, "to reduce the possibility of misunderstanding about the United Kingdom's intentions".[133]

6.19 To a large extent the warning of 7 May merely rehearsed the terms of the warning of 23 April and of the announcement concerning the establishment

[127] An unofficial text is set out in Appendix 19.
[128] Q490.
[129] QQ598–9.
[130] Q602.
[131] Appendix 5.
[132] Q70.
[133] Appendix 5.

of the Total Exclusion Zone on 30 April. It was, however, much more specific about the geographical area in which action against the Argentine forces would *not* be undertaken by the Task Force, indicating that "any Argentine warship or military aircraft which are found more than 12 nautical miles from the Argentine coast will be regarded as hostile and are liable to be dealt with accordingly".[134] The 7 May warning did nothing, therefore, other than reiterate and reinforce the warning of 23 April and, other than offering the Argentine navy a safe haven in their territorial waters, did not change the rules of the game as indicated in the warning of 23 April. It is therefore, incorrect to imply as Mr Ponting and others do,[135] that the 7 May announcement significantly altered the nature of the warnings previously issued to the Argentine Government, and therefore amounted to an *ex post facto* justification of the attack on the *Belgrano*. It is true nonetheless that the warning on 7 May was couched in more specific, and less ambiguous, terms than previous announcements.

A further case of ambiguity

6.20 Although the purpose of the Maritime Exclusion Zone and the subsequent Total Exclusion Zone has now been explained to us in terms which we understand and appreciate, there is little doubt that, at the time, the purpose of the exclusion zones was unclear and ultimately misleading. Ironically, the United Kingdom Government's position would almost certainly have been stronger if, rather than seeking to define the main area of hostilities by the establishment of the exclusion zones, they had relied purely and simply on the right of self-defence granted under Article 51 of the UN Charter and their interpretation of that right of self-defence as set out in the warning to Argentina on 23 April 1982. Many of the questions raised subsequently about the attack on the *General Belgrano* would undoubtedly have been more easily answered if the exclusion zones had not been promulgated in the first place.

6.21 We conclude

(i) that adequate notice had been served on the Argentine Government in the warning of 23 April 1982 that Argentine vessels, whether within or outside the exclusion zones, might be attacked if perceived to constitute a threat to the "mission" of the British Task Force;

(ii) that the establishment of the Maritime Exclusion Zone and the Total Exclusion Zone did not contribute to Argentine understanding of the nature of the actions which United Kingdom forces might take against Argentine forces outside the defined zones; and

(iii) that the decision to allow submarine attacks on all Argentine vessels would have been more easily explained in terms of Article 51 of the UN Charter if the Exclusion Zones had not been previously promulgated.

[134] Appendix 5.
[135] See para 6.15.

7. THE SIGNIFICANCE OF THE EVENTS OF 2 MAY 1982

7.1 It has frequently been argued that the sinking of the *Belgrano* represented a watershed in the progress of the South Atlantic conflict between Argentina and the United Kingdom, both signifying the effective abandonment by the British War Cabinet of hopes for a negotiated settlement and their acceptance of the inevitability of all-out military action to resolve the dispute, and persuading the Argentine junta to reject further serious peace negotiations.

7.2 To be credible, this argument assumes that both the Argentine and the United Kingdom Governments, prior to 2 May 1982, remained committed to a negotiated settlement in preference to a military solution, and that the sinking of the cruiser therefore precipitated them into an outright military conflict which both had sought to avoid.

7.3 We have argued earlier that the Peruvian peace proposals do not appear to have represented a formula for a ceasefire agreement acceptable in identical terms to both Governments.[136] The impact of the sinking of the *Belgrano* in dissuading the Argentine government from accepting the Peruvian formula was not, therefore, a relevant factor at the time of the sinking, whatever effect it may have had on Argentine reactions to the proposals thereafter. Mr Gavshon and Mr Rice have suggested that although "it cannot be argued that the death of the *Belgrano* put an end to negotiations", it nonetheless "put an end to the Peruvian peace initiative for long enough for other events to intervene".[137]

7.4 There is no doubt that news of the sinking of the cruiser had an immediate impact on the attitude of the Argentine junta towards President Belaunde's proposals. General Galtieri having told President Belaunde on the evening of 2-3 May 1982 that "the Argentine government will not, in the face of this military pressure, accept any negotiation relating to peace in the South Atlantic in these circumstances". Almost immediately, however, the Argentine and British Permanent Representatives at the United Nations agreed to participate in the mediation exercise organised by the Secretary-General, Sr Perez de Cuellar, which lasted until well into the second half of May. A willingness to participate in mediation may, of course, have reflected on both sides a concern to satisfy domestic and overseas public opinion, rather than a genuine commitment to the mediation process, but this could have equally applied both before and after Sunday 2 May 1982.

7.5 While official statements from both Governments inevitably emphasise their undiluted commitment to peaceful negotiations at all stages in the conflict, the factual evidence suggests that both Governments were prepared to accept the inevitability of a military solution from an early stage.

7.6 On the Argentine side, the original decision to invade the Falklands and South Georgia with substantial military forces on 2 April 1982 was in itself a rejection of diplomatic negotiations and a decision to opt for the use of force in the settlement of the dispute. That the Argentine invasion of the Islands was secured without substantial loss of life was clearly accidental. Although claims that the Argentine forces had orders to avoid bloodshed during their invasion

[136] Para 5.41.
[137] Gavshon and Rice. *op cit*, p 120.

may be true, their actions during the invasion, including the violent assault on the Royal Marines barracks at Port Stanley on 2 April, could well have resulted in substantial British deaths.

7.7 As early as 3 April 1982, the British Secretary of State for Defence, then Mr John Nott, was referring in the House to the "probability" that diplomatic efforts to resolve the dispute with Argentina would fail. The British Government nonetheless pursued a public policy which placed diplomacy ahead of military action throughout the dispute. Mr Pym told us in evidence that he was "always hopeful", although his hope was "never very great because of the political circumstances in Argentina, the unstable regime and the extraordinary steps they had taken in invading the Islands".[138]

7.8 Inevitably, as the British Task Force travelled towards the Falklands, the emphasis in British policy was bound to switch from diplomatic to military action, particularly since, once committed to the area, the need to protect the Task Force against Argentine attack became progressively greater. To be effective, an initially defensive posture by the Task Force was bound to have become more offensive as the naval and airforce resources of the two countries came closer together. And by the time the Task Force actually arrived in Falklands waters, the need for a rapid solution, whether diplomatic or military, was self-evident.

7.9 Lord Lewin has, on several occasions, expressed the view that by about 23 April 1982, the War Cabinet had come to the conclusion that there was no hope of a negotiated settlement, and the problem would have to be pursued to a military conclusion. This was denied by Sir John Nott, although he conceded that Lord Lewin "was right, and I was wrong".[139]

7.10 Although we have no doubt at all that the impending arrival of the Task Force in Falklands waters was bound to have shifted the British Government's attention towards the means of securing a military victory, we do not believe that their subsequent actions—particularly in connection with the long drawn out negotiations through the UN Secretary-General—suggest a complete abandonment of the diplomatic, in favour of the military, route. But, inevitably, the military solution must have had more attraction by this time.

7.11 It is our strong impression that the military decisions taken by the War Cabinet on 30 April and 2 May were primarily a reaction to the military situation as perceived by them on those dates and their perception of the risks facing the Task Force. On 30 April, the arrival of the main elements of the British surface fleet in an area where the Argentine air force commanded overwhelming air superiority presented the War Cabinet with the need to take measures to reduce that air superiority as far as possible without committing the Task Force's limited air support to direct aerial combat with the vastly superior Argentine air resources: hence the decision to seek out and if possible sink the Argentine carrier, and the decision to seek to immobilise much of the Argentine shore-based aircraft by attacks on Stanley airport and other airstrips on the Islands. On 2 May, in the face of public Argentine claims of successful attacks on the Task Force and indications of intended concerted action by the Argentine fleet

[138] Appendix 1, Q377 (1983–84).
[139] Q582.

and airforce against the Royal Navy, the need was to take whatever swift action was available to counter what appeared to be a deliberate escalation of military activity on the Argentine side, the planned containment of the Argentine airforce having not so far succeeded.

7.12 If it had been the case, as is sometimes suggested, that the collapse of Mr Haig's peace initiative on 29 and 30 April led directly to the British Government abandoning all hope of a peaceful solution in favour of a purely military solution, then it could have been expected that the War Cabinet would have taken immediate steps on 30 April to launch an unlimited attack on the Argentine navy. The failure of this first major round of peace negotiations must, of course, have had an effect on the War Cabinet's expectations about the likely balance between the diplomatic and military actions needed to secure a settlement, but the limitation of the change of the Rules of Engagement on 30 April to a permission to attack the *25 de Mayo* alone suggests a rather cautious approach by the War Cabinet and a willingness to take military action only to the extent that it was justified by a clear perceived military threat.

7.13 On the Argentine side, despite the immediate and understandable shock of the news of the submarine attack on the *Belgrano*, there is little to suggest that the junta regarded the events of 2 May 1982 as anything other than evidence of the escalation of military activity which the arrival of the British Task Force was bound to provoke. If, of course, it could be demonstrated that subsequent Argentine military activity was provoked by the sinking of the *Belgrano* it might then be argued that that particular event itself triggered the escalation of the conflict. But all the evidence we have seen suggests that the Argentine authorities were themselves actively preparing for hostilities during the weekend and that the fact that no British warship was successfully attacked by Argentine forces until 4 May, when *HMS Sheffield* was attacked, was the result not of previous Argentine restraint but of Argentine technical incompetence.

7.14 Dr Robert Scheina, who was chronicled the Argentine's earlier attempts to attack British warships, has specifically rejected the idea that the point of no return, so far as Argentina was concerned, was reached only with the attack on the *Belgrano*. Suggesting that this point was reached a week earlier, when British forces retook South Georgia and disabled the Argentine submarine *Santa Fe*, Dr Scheina comments that "Those who speculate that the sinking of the Argentine cruiser *General Belgrano* on 2 May removed any possibility of peace are wrong".[140]

7.15 Further evidence that it was the retaking of South Georgia on 25 April, rather than the sinking of the *Belgrano* on 2 May, which tipped the scales against negotiations on the Argentine side is provided by General Haig's account of his relations with the Argentine Foreign Minister, Dr Costa Mendez, at that time. Costa Mendez had previously told him "that the Argentinians would withdraw from negotiations should the British attack South Georgia". On news of the British invasion of South Georgia, Costa Mendez cancelled a planned meeting with Mr Haig in Washington. Subsequently the Foreign Minister informed Mr Haig that the junta could not accept the Secretary of State's offer to visit Buenos Aires for further talks and shortly thereafter (on 29 April) rejected Mr Haig's

[140] Appendix 7.

final draft agreement. "War", the Secretary of State comments, "was now inevitable".[141]

7.16 We conclude

(i) that the change in the Rules of Engagement on 2 May 1982 was a primarily military response to the perceived military threat at the time;

(ii) that a shift in emphasis towards overt military action by both Argentine and British forces was an inevitable consequence of the arrival of the British Task Force in the Falklands area;

(iii) that evidence of Argentine intentions to attack the British Task Force before 2 May casts doubt on the idea that Argentine military activity after 2 May was merely a response to the sinking of the *Belgrano* and other British military actions; and

(iv) that the continued willingness to negotiate of both the Argentine and British Governments does not support the belief either that the United Kingdom Government had decided to abandon the search for a peaceful solution on or by 2 May 1982, or that the Argentine Government was compelled to reject a peaceful solution as a result of the attack on the *Belgrano*.

8. GENERAL CONCLUSIONS AND COMMENTS

The main questions answered

8.1 In section 3 of this Report we set out a number of principal questions addressed during our inquiry. Our answers to those questions are summarised below:

8.2 **First,** was the sinking of the *Belgrano* militarily justified? Was the cruiser a threat to the British Task Force when she was sunk?

We have concluded:

(i) That there was evidence at the time of substantial Argentine military activity on 1 May 1982 and of Argentine intentions to attack the Task Force *(paragraph 4.29(i))*;

(ii) that we have seen no evidence to cast doubt on British claims that, on 1 May at least, the Argentine fleet had orders to conduct a co-ordinated attack on the Task Force, and that the assessment of the British naval authorities and the War Cabinet that the *Belgrano* formed part of that planned attack was a reasonable one *(paragraphs 4.11 and 4.29(ii))*;

(iii) that neither was there evidence at the time of an Argentine decision to withdraw its fleet on the night of 1–2 May (and indeed such evidence as was available to the British Government indicated the reverse), nor is there evidence now that such a withdrawal would have been intended to achieve anything other than short-term tactical advantage. Accordingly, even if Ministers had been notified of the *Belgrano*'s change of course, this information would not have justified a change in the orders given to *HMS Conqueror (paragraph 4.29(iii) and (v))*;

(iv) that the paramount obligation of the War Cabinet was to protect the Task Force, and pre-emptive action was justified if attacks on the Task Force were thought to be imminent: there is therefore no reason to suppose that the decision to authorise the sinking of the *Belgrano* was not militarily justified *(paragraph 4.29(iv) and (vi))*.

[141] General Alexander M Haig Jr. *Caveat*, pp 292–3.

8.3 Second, to what extent did the decision to authorise the sinking of the *Belgrano* reflect and flow from earlier War Cabinet decisions to pursue a military solution and abandon "minimum use of force"?

We have concluded that the change in Rules of Engagement to permit the sinking of the *Belgrano* was a military response to a perceived military threat; that a shift in emphasis towards overt military action was an inevitable consequence of the arrival of the Task Force in the Falklands area; and that the continued willingness of the British Government to negotiate does not support the belief that it had, on or by 2 May 1982, abandoned the search for a peaceful solution *(paragraph 7.16(i), (ii) and (iv))*.

8.4 Third, How well advanced were the Peruvian peace proposals at the time the sinking of the *Belgrano* was authorised? Were they in a form acceptable or potentially acceptable to the United Kingdom Government?

We have concluded that the Peruvian peace proposals were not in a form acceptable to the United Kingdom Government when delivered to them on 2 May 1982; and that the outcome of the subsequent negotiations between 3 and 6 May strongly suggests that they at no stage represented a formula for an agreement acceptable in identical terms to both Governments *(paragraph 5.40(ii) and (iii))*.

8.5 **Fourth,** Did the Peruvian peace proposals stand a real chance of acceptance by the Argentine junta on 2 May 1982?

We have concluded

(i) that the claim that the Argentine junta was on the brink of agreeing to the Peruvian proposals on the evening of 2 May is a highly speculative and selective interpretation of the information available *(paragraph 5.35)*; and

(ii) that, although there is conflicting evidence about the acceptability of the proposals to the junta, the balance of opinion appears not to support the proposition that they stood a real chance of acceptance on the evening of 2 May *(paragraph 5.40(ii))*.

8.6 **Fifth,** Did the British War Cabinet know (in detail or otherwise) of the Peruvian initiative at the time of its decision to authorise the sinking of the *Belgrano*?

We have concluded

(i) that, although there is no doubt that the Peruvian Government and the Argentine junta believed that Mr Haig was in close contact with Mr Pym on the details of the Peruvian proposals on the morning of 2 May, nothing from British sources suggests that that was in fact the case *(paragraphs 5.14 and 5.17)*;

(ii) that there is no evidence that the British Ambassador in Lima was informed of the detailed Peruvian proposals until some time after the attack on the *Belgrano (paragraph 5.24)*; and

(iii) that we have no reason to disbelieve the evidence of the participants that the War Cabinet was not aware of the Peruvian peace proposals at the time of the decision to authorise an attack on the *Belgrano (paragraph 5.28)*.

8.7 Sixth, Were the Peruvian peace proposals sufficiently well advanced on 2 May 1982 to justify avoiding any military action which might jeopardise them?

We have concluded above that the War Cabinet was unaware of the Peruvian proposals when they met on 2 May, that the proposals did not represent a formula likely to be acceptable to both Governments, and that the War Cabinet had an obligation to take pre-emptive action to deal with the perceived threat from the Argentine navy. We are therefore not convinced that the avoidance of military action would have been justified, even if the War Cabinet had known of the proposals at the time, unless the Argentine junta had directly informed the British Government that it intended to suspend hostilities.

8.8 Seventh, Should the Argentine junta have been warned by HM Government of the changes in the rules of Engagement on 30 April and 2 May 1982?

We have concluded

(i) that adequate notice had been served on the Argentine junta in the warning of 23 April 1982 *(paragraph 6.21(i))*; but

(ii) that the purpose of the exclusion zones was unclear and ultimately misleading, and that the establishment of the zones did not contribute to Argentine understanding of the actions which British forces might take against their forces outside the zones *(paragraphs 6.20 and 6.21(ii))*.

8.9 Eighth, Is it true that the sinking of the *Belgrano* undermined chances of a negotiated settlement and therefore made a purely military solution to the crisis inevitable?

We have concluded

(i) that, since the British War Cabinet was not aware of the Peruvian peace proposals when it authorised the attack on the *Belgrano*, it could not have been motivated by a desire to frustrate such proposals *(paragraph 5.40(iv))*.

(ii) that evidence of Argentine intentions to attack the British Task Force before 2 May casts doubt on the idea that Argentine military activity after 2 May was merely a response to the sinking of the *Belgrano* and other British military actions; and

(iii) that the continued willingness to negotiate of both the Argentine and British Governments does not support the belief either that the United Kingdom Government had decided to abandon the search for a peaceful solution on or by 2 May 1982, or that the Argentine Government was compelled to reject a peaceful solution as a result of the attack on the *Belgrano (paragraph 7.16(iii) and (iv))*.

General comments

8.10 In addition to our conclusions, summarised above, on the main questions addressed during the inquiry, we have a number of further comments on the actions of the United Kingdom Government during the Falklands conflict.

8.11 First, the attention given to the events of 1 and 2 May 1982, and the allegations which have been made about the British War Cabinet's motives in authorising attacks on the *Belgrano* and other Argentine ships on 2 May 1982, has tended, quite unjustifiably, to cast the United Kingdom Government in the role of the aggressor in the South Atlantic conflict, and to ignore the one certain fact that the United Kingdom was, in 1982, engaged in a war not of its own making. When presented with entirely unprovoked aggression it is a government's duty to retaliate by military means if the real aggressor—in this case Argentina—refuses voluntarily to withdraw.

8.12 Second, the British Government's willingness during the period of the conflict to agree to peace terms very less advantageous than any which had been acceptable in previous diplomatic negotiations is itself very strong evidence of the Government's desire to avoid a purely military solution to the dispute with Argentina.

8.13 Third, a greater emphasis on military action as the Task Force approached the Falklands was an inevitable ingredient in the scenario created by the Argentine invasion on 2 April 1982. Once the Task Force had arrived in the area, and in the absence of a diplomatic settlement, the paramount obligation of the war Cabinet was to protect the Task Force and, if necessary, secure its success. The War Cabinet would have been failing in its duty if it had interpreted its own policy of "minimum use of force" as meaning "no use of force".

8.14 Fourth, much has been made of the question whether the British Government's actions on 2 May 1982 fell within the scope of the warnings given to the Argentine Government and the "self-defence" terms of article 51 of the United Nations Charter. Far too little attention, in our view, has been paid during this argument to the flagrant breach of the United Nations Charter by the Argentine Government on 2 April 1982 and the continuing flouting of the Resolutions of the Security Council by the Argentine Government throughout the period of the conflict. It is our belief that the United Kingdom Government observed, and believed itself to be observing, its international legal obligations throughout the conflict. There is no evidence to suggest that the Argentine Government did so, or cared whether it did so, at any time during the conflict.

8.15 Fifth, the suggestion that the British Government (or the Royal Navy) deliberately precipitated a military solution in preference to a diplomatic solution to the dispute with Argentina assumes that they were possessed at the time of overwhelming confidence in the ability of the Task Force to secure a total military victory over Argentina. All the evidence at the time and subsequently indicates that no such confidence existed, either among members of the Government or among their senior military and naval advisers. On the contrary, all the evidence suggests that there was a high degree of awareness of the complexity of the task undertaken, the vulnerability of the Task Force, the extreme difficulty of communications and supply, and, overall, the considerable risk of failure. To have deliberately ruled out a negotiated settlement would have been a gamble with potentially catastrophic consequences for both the Government and the armed services, and we do not for a moment believe that either would have contemplated, or did contemplate, taking such a gamble.

9. THE PROVISIONS OF INFORMATION BY HM GOVERNMENT

9.1 The last of the questions which we set out in section 3 of this Report was whether "HM Government, through its Ministers, deliberately or inadvertently misled the House by its subsequent explanations of the events leading to the sinking of the *Belgrano*"?[142] As we said in our introduction,[143] we do not intend to rehearse all the facts and the arguments relating to this point, many of which were considered by the House itself during the debate on 18 February 1985. It is, however, a matter of direct concern to us to determine whether Ministers have at any time sought deliberately to mislead this Committee or to prevent its access to information directly relevent to our inquiries.

The Government's reluctance to tell the whole truth

9.2 The main criticism of the British Government in its provision of information to the House on this matter is that, until the widespread controversy which developed during last year's summer recess, Ministers were not prepared to give a full and frank account of the military events which preceded the decision to attack the *General Belgrano*, providing information only on a piecemeal basis in response to parliamentary questions and resisting pressure to reveal more detail on grounds of national security. It is further argued that, by withholding information in this way, Ministers actively contributed to the continuing speculation that the decision on 2 May 1982 was questionable on military, political or legal grounds, and to doubts about the veracity of such information as was actually made available.

9.3 There is, of course, no constitutional convention requiring any Government voluntarily to release information about its past activities, and there is equally a long-standing convention that Ministers may refuse to answer questions on security grounds without giving further reasons. This latter convention, however, can only be expected to survive so long as it is not deliberately used—and proved to have been so used—as an excuse to prevent the disclosure

[142] Para 3.13 above.
[143] Para 1.15 above.

of information which would merely be embarrassing to the government of the day.

9.4 To the extent that Ministers' answers to Questions from Members merely reflected a reluctance to be drawn further on the details relating to the conduct of the Falklands campaign, and did not reflect a deliberate desire to distort the truth, their conduct could be condemned only as a lapse of judgment. If, however, it can be demonstrated that Ministers deliberately refused to give information to the House on grounds of national security when no such grounds actually existed, their conduct must be seen in a much more serious light since, even if no actual untruths had been perpetrated in the process, their actions would have seriously damaged confidence in the conventions related to the provision of information, which have generally been accepted by the House.

9.5 A reluctance to provide information, however ill-judged, is, however, a very different matter from a deliberate attempt to mislead the House, whether by knowingly providing false information, or by deliberately failing to correct previous statements known to be false. The main matters on which Ministers are said to have misled the House in the latter manner concerned statements made at the time and subsequently about (i) the time when the *Belgrano* was detected by *HMS Conqueror* and (ii) the course and position of the cruiser when she was torpedoed.

Mr Nott's statements on 4 and 5 May 1982

9.6 The then Secretary of State for Defence told the House on 4 May that on "2 May, at 8 pm London time, one of our submarines detected the Argentine cruiser, *General Belgrano*, escorted by two destroyers. This heavily armed surface attack group was close to the Total Exclusion Zone and was closing on elements of our task force, which was only hours away". He went on to say that "Only two torpedoes were fired at the cruiser", and on the following day he told the House that "the actual decision to launch a torpedo was clearly one taken by the submarine commander", although it was taken "within very clear Rules of Engagement that had been settled in London and discussed by the Government."[144]

9.7 As is now known, these statements by the Secretary of State for Defence not only contain a number of significant factual inaccuracies, but also give a misleading impression of spontaneous action initiated by the Task Force commander and the submarine commander when confronted with an immediate military threat.

9.8 In his evidence to us the present Defence Secretary, Mr Heseltine, told us that he "strongly resented" accusations that his predecessor had "deceived the House of Commons". Mr Heseltine said: "John Nott made a statement to the House of Commons on 4 May, and in one or two ways it is inaccurate. It is not inaccurate because he sought to deceive the House of Commons. It is inaccurate because, under the pressure upon that man, and the responsibility upon that man, he did not have available to him all the facts as they now, with hindsight, turn out to be."[145]

[144] HC Debs, 4 and 5 May 1982, cols 29–30, 156.
[145] Q139.

9.9 Sir John Nott conceded in his evidence to us that his statement on 4 May was, in part at least, untrue, and added:

> "I regret that I did not use the words 'in proximity'. I made a statement to the House which at the time I believed to be the latest and most up-to-date information that was available . . . I made that statement in perfect good faith."[146]

9.10 We fully accept that Sir John Nott's statements on 4 and 5 May 1982 were made in good faith. We recognise that in the heat and confusion of the moment that it may have been difficult to weigh every word and phrase as carefully as in more normal times. And we accept that it may have been necessary, during the conflict, for certain facts to be obscured on genuine grounds of national security. These considerations do not, however, fully explain the perpetuation of the substance of Sir John Nott's statements for so long after the event.

Non-disclosure on grounds of National Security

9.11 It is clearly the responsibility of Ministers themselves to decide the extent to which information should not be disclosed on grounds of national security, and for how long any particular item of information should be so treated. The Prime Minister stressed in her letter to the leader of the Opposition on 19 September 1984 that

> "Ministers have to take the responsibility, with the help of our security experts' advice, of deciding at what point it is necessary to withhold information in the interests of national security. To go beyond that point to justify the Government's decisions and then to jeopardise lives in the future would be the height of irresponsibility."

This we fully accept. On the same day, in a letter to Mr George Foulkes, the Prime Minister provided "as full an account of these matters as, I am advised, is consistent with national security", and in a subsequent letter, on 8 October 1984, she explained that she was able to give "some of this further information which we were reluctant to reveal in 1982, as it has lost some of its operational significance".

9.12 *The "Slippery slope" theory*: In her various letters to Members last autumn, however, the Prime Minister also hinted at a further preoccupation of Ministers which has come to be known as the "slippery slope" theory. In writing to the the Leader of the Social Democratic Party on 8 October, she claimed that "the events of recent months suggest that the process of disclosure will never satisfy those determined to misinterpret the Government's actions at the time, but it *might lead into areas* which could risk irreparable damage to national security" (our italics).

9.13 This theme was developed by the present Secretary of State for Defence when he gave evidence to us on 7 November 1984. Mr Heseltine explained that, following the receipt of further detailed questions from Mr Denzil Davies (on behalf of the Shadow Cabinet) and from Mr Dalyell in March 1984, he commissioned the preparation of the documents now known as the "Crown

[146] Q648.

Jewels", and at the end of March examined the information they contained "in order to try to decide what advice I would give the Prime Minster as to how we should deal with these questions".

9.14 The Secretary of State's examination of the documents both convinced him of the correctness of the decision to change the Rules of Engagement on 2 May 1982 and confirmed the existence of inaccuracies in the original Ministerial statements about the sinking of the *Belgrano*. However, Mr Heseltine went on:

> "It was also apparent to me that if we were to move down the road of a detailed analysis . . . we would end up with yet more requests for yet more information; and . . . we would move into realms of questioning which we could not answer because national security interests would not permit it."

Accordingly, he decided that Ministers should give "the clearest answers we could to the question of the attacking or detection of the *Belgrano*", but that other issues "would have to be dealt with in a general explanation of the Government's position on the whole *Belgrano* incident".[147]

9.15 It is clear from the Secretary of State's evidence that his decision in late March and early April involved a conscious agreement to withhold certain information from Members not because its release would itself be detrimental to the national interest but because it could lead to further requests for information which would be difficult to deal with on national security grounds. We do not believe that this was an improper decision to take, particularly since it is conceivable that even a refusal to answer certain further questions could have conveyed significant information to the questioner or to others. It was, therefore, a difficult line to draw, and the line may have been drawn at the wrong point. But that it was reasonable to draw a line at some point we do not doubt.

9.16 The Secretary of State's evidence about the decisions he took in March and April 1984 does not, however, fully explain the failure to correct much sooner some of the inaccuracies in the statement of 4 May 1982 about the course and position of the *Belgrano* when she was attacked, the relative positions at the time of the *Belgrano* and the nearest units of the Task Force, and the time when the *Belgrano* was detected. The Prime Minster has herself conceded that "with the benefit of hindsight . . . it may be that it would have helped to have said something more at that time (of the publication of the White Paper on *The Falklands Campaign: The Lessons*), consistent with the need to avoid giving information of operational significance".[148] This statement clearly implies that more information could have been provided by the end of 1982.

9.17 We have to accept the Prime Minister's explanation that the deliberate alteration of the date of the detection of the *Belgrano* in Admiral Fieldhouse's despatch in December 1982 was in order to protect "sensitive operational and intelligence information".[149] We also recognise that security considerations lose their force with the passage of time, so that facts whose very existence cannot be admitted whilst hostilities are in progress can later be revealed, albeit partially at first. This gradual devaluation of the security content of events must have

[147] Q51. See also HC Debs. 18 February 1985. col 744.
[148] Letter to Dr David Owen, 8 October 1984.
[149] HC Debs. 12 February 1985. col 164.

contributed to the impression given by Ministers that they were reluctant to be frank. Nevertheless, we cannot fully understand why, when Ministers were informed in November 1982 of the *Belgrano*'s change of course on 2 May 1982, this information was not more quickly revealed to the House and the error in Sir John Nott's statement on this point put right.

The provision of information to the Commmittee

9.18 Of particular concern to this Committee is the question whether, last July, the Secretary of State for Defence deliberately and improperly withheld information from us which we were entitled to receive, and whether, in so doing, the Secretary of State wished to mislead us.

9.19 The circumstances which arose in July 1984 are fully explained in our Chairman's public statement on 7 November 1984 and the subsequent exchanges during the course of the Secretary of State's evidence to us.[150] In brief, during evidence on 20 June 1984 Baroness Young was asked for a note listing all changes in the Rules of Engagement during the Falklands conflict.[151] We eventually received, in a letter from the Minister of State for the Armed Forces (Mr John Stanley), a brief Memorandum giving a general commentary on the Rules of Engagement, but not the specific information we had asked for.[152] Almost simultaneously we received by hand of Mr Tam Dalyell a copy of the so-called "Legge Minute", in which advice was offered to Ministers about the manner in which our request for information should be dealt with.

9.20 It has sometimes been suggested that if we had not seen the Legge Minute, we would not have wished to pursue the matter further. Since our consideration of the two documents took place simultaneously, it is impossible to know for certain how we would have reacted. But since Mr Stanley's Memorandum made so little effort to address our specific questions and did not seek to explain why this was so, our reaction to that document alone is likely to have been sceptical.

9.21 When we took evidence from the Secretary of State we examined in detail with him both the reasons set out in Legge Minute for withholding information from the Committee, and the reasons why Ministers had actually done so. Mr Heseltine made clear that, of the reasons set out in Mr Legge's Minute, his principal reasons for not providing a full list of RoE changes were (i) that we had expressed a preference for a non-classified reply, (ii) that some RoEs were still in force and "I do not know of any military practice whereby Rules of Engagement are revealed in public", and (iii) that it would have been "an immensely time-consuming business" to provide the full list of RoE changes "in a form comprehensible to the layman".[153]

9.22 Mr Heseltine went on to explain the consideration Ministers had previously given to the question of where to draw the line in the provision of information about the *Belgrano*[154] and, in so doing, went some way to explain what Mr Legge had meant when, in his Minute, he suggested that "a full list of

[150] QQ1–152, 7 November 1984.
[151] Appendix 1,Q642 (1983–84).
[152] Evidence, p 1.
[153] QQ3–7.
[154] See paras 9.13–9.15 above.

changes would provide more information than Ministers have been prepared to reveal so far about the *Belgrano* affair". If, as we agree,[155] it was reasonable for Ministers to decide that the line should be drawn at some point under the information which could be provided publicly, it was not necessarily improper for a civil servant to draw Ministers' attention to that decision in providing advice about how to answer our request for information. Seen in that light, Mr Legge's Minute is very much less sinister than it at first appeared to us and to others.

9.23 We believe that the principal reason for not immediately providing us with more of the information we sought in June was, indeed, that we appeared to be seeking information which we might publish.[156] Having now seen the information concerned, we accept that it could not all have been provided on that basis. However, the Ministry's failure to explain, in their original Memorandum, the reasons why they felt unable to provide the information we sought on an unclassified basis, or to offer the possibility of providing further information in classified form, or to explain what a time-consuming exercise would be involved in compiling the information, does appear to us to have been a rather disingenuous attempt to avoid the possibility that we would seek to pursue the matter further. We conclude that the Ministry of Defence's response to our original request for information was inadequate in substance and almost certainly intended to discourage further questioning on the matter.

9.24 The Ministry's subsequent handling of our requests for information has been of a wholly different character and all have been met to our satisfaction. Whether or not this would have been the situation if Mr Dalyell had not provided us with the documents he received from Mr Ponting last July is, of course, a matter of conjecture.

Was there a "cover-up"?

9.25 The circumstances surrounding the sinking of the *General Belgrano*, the first major engagement in the battle to recover the Falkland Islands, were a natural focus of attention for those who believe in the consipiracy theory of history. Two separate conspiracies have been suggested: first that, in effect, the British Government conspired to prevent a peaceful solution to the dispute when they had the chance of a military victory instead; second, that Ministers and officials conspired to hide the truth from the British Parliament and public.

9.26 We have already demonstrated in the body of this Report that we believe, on the basis of the evidence available to us, that there was no conspiracy of the first kind. We believe that the decision to authorise the sinking of the *Belgrano* was justified by the War Cabinet's current assessment of the threat to the Task Force, and was in any case taken in ignorance of the Peruvian peace initiative then in train. Moreover, we do not believe that Ministers (or military commanders) had the kind of confidence in a military victory against Argentina which such a conspiracy would have implied.

9.27 The second theory, that there was a subsequent conspiracy to hide the truth from Parliament and the public, depends to a large extent on the first. For

[155] Para 9.15.
[156] Q16.

if the sinking of the *Belgrano* was the result of legitimate military decisions, what was it that Ministers and officials were conspiring to cover up? At worst it could have been only a desire to avoid admitting the inaccuracies in the original statements on 4 and 5 May 1982.

9.28 Ministers have repeatedly claimed that information was withheld from Parliament because it would not have been in the interests of national security for it to be released, and we believe that a certain amount of quite crucial information which remains in the possession of the Government does indeed fall into that category and is likely so to remain. This presented the Government with a particularly difficult dilemma: that fully to convince their critics they would have had to release more information than was wise on security grounds, and that without such information their critics would not be silenced. Ministers therefore preferred to say as little as possible, hoping that their general defence of their actions, and the undoubted popular support for their actions, would discourage further investigations by journalists and Members.

9.29 This was, we believe, an understandable policy, but, in the event, not a particularly wise one. In particular, it did not take sufficient account of the extent to which either disaffected or unthinking officials in the United Kingdom might let further information slip, or the extent to which information (whether accurate or not) would emerge from Argentine sources.

9.30 We conclude that the desire not to reveal all the information in the possession of the Government was and is a proper one, and that the subsequent reluctance to provide the information requested by Members was the result of excessive caution rather than a deliberate or mendacious desire to mislead. In the event, it would almost certainly have been preferable if, when it became apparent that Members were concerned about the events of the weekend of 1 and 2 May, and that the questions would not go away, Ministers had volunteered a comprehensive statement on those events, including much of the material which has been extracted from them so painfully over the last three years.

9.31 As a result of the approach adopted by Ministers, the House remained for too long in ignorance of information which Members were perfectly entitled to request and some of which ceased to be of operational significance soon after the end of hostilities. We therefore conclude that some of the details at first given to the House proved later to have been incorrect, but we do not find that the inaccuracies were either deliberate or in effect misleading as to the true state of affairs on 1 and 2 May 1982. Other information was at first deliberately withheld from the House on grounds of security, but released in part on subsequent occasions. This was not, we believe, the result of a deliberate "cover-up", but of excessive caution on the part of Ministers and their advisers. The House was not, however, misled on the main issue: that the attack on the *Belgrano* was authorised for legitimate military reasons, and not out of political design.

PROCEEDINGS OF THE COMMITTEE RELATING TO THE REPORT

WEDNESDAY 16 JANUARY 1985

Members present:

Sir Anthony Kershaw, in the Chair

Mr Dennis Canavan
Mr Robert Harvey
Mr Ivan Lawrence
Mr Jim Lester
Mr Ian Mikardo
Mr Nigel Spearing
Mr Peter Thomas
Mr Bowen Wells
Mr Michael Welsh

The Committee deliberated.

Motion made and Question proposed, That the following questions be put to the respective Ministers and other persons:

To the Prime Minister

1. Was the visit of Mr Pym to Washington and New York on 1 & 2 May 1982 arranged at short notice? Was it agreed at the War Cabinet on 30 April? What was the purpose of the visit?

2. What full Cabinet Meetings were held between 2 April and 2 May 1982 which dealt with the Falklands and what issues relating to them were reported, endorsed, or agreed at each of the meetings?

3. At what date and on what grounds did the War Cabinet abandon its prime purpose of deploying and using military action in support of diplomatic initiative and economic pressure for a negotiated settlement and change to a "military solution" as the main criterion for action?

4. Did the War Cabinet receive any substantive military appreciation of the hazards and risks of an attempt to re-invade the Islands and, if so, when? What attention did the War Cabinet give to the threat of Argentine air attacks on the Task Force?

5. When the Rules of Engagement were changed on 30 April to permit an attack on the carrier *25 May*, what consideration was given to the diplomatic impact of the possible destruction of this vessel at that stage of the conflict?

6. Did you, or other Ministers in the War Cabinet, think fit to ask Lord Lewin for his professional appraisal of the likely consequences for Argentine action against our own ships and forces of the decision to sink the *Belgrano*? If so what did he say? If not, why was this question not put by Ministers?

7. What prior assessment was made by the War Cabinet of the likelihood of US support in the event of the collapse of the Haig shuttle? Might not the US change of approach (even without a renewed opportunity such as that provided by Peru) have influenced military thinking or opinion in Buenos Aires?

8. After the Chequers decision on 2 May around 1 pm, did you take any further action or initiative, or were you concerned in consultation, including confirmatory action in relation to the *Belgrano*, whether at Chequers, Northwood, or elsewhere? If so, what were they?

9. What telephonic or other contacts did Lord Thomas have with British and Peruvian Government authorities in the context of President Belaunde Terry's initiative in early May 1982?

To the Secretary of State for Defence

10. Please supply a chart of the South Atlantic, similar to that published by the *New Statesman* and suitable for reproduction, to show: (1) the 200-mile TEZ; (2) the

position(s) of the main elements of the Task Force on 2 May; (3) the 12-mile limit of Argentine waters; (4) the course of the *Belgrano* as described in the unsent letter to Tam Dalyell; (5) the course of the *25 May* during 1 and 2 May and (6) the combat radius of Argentine land-based aircraft, together with the location of their attacks on the task force on 1 May, other than in the vicinity of Port Stanley.

11. What security considerations prevented the reply being sent to Mr Dalyell's letter of 19 March 1984?

12. What was the nature of the air attacks on the fleet of 1 May? Were they all off Port Stanley? If not, where did the other attacks take place; what hits or damage were suffered and from what types and numbers of aircraft?

13. It is clear from the written answer in *Hansard* of 14 December (col *618*) that a report of the visual sighting of the *Belgrano* was received at Northwood on the afternoon of 1 May. Since the *Belgrano* was considered such a threat why was Admiral Lewin not informed of this until the morning of Sunday 2 May? Why were the positions of the *Belgrano*, as reported by *Conqueror* (*Hansard* 11 December 1984, col 433), not made known to him?

14. In what respects was the intelligence assessment (Q642) provided for the War Cabinet on 2 May found to be: (a) inaccurate as to fact; (b) mistaken as to forecast? Can a copy be made available, if necessary on a restricted basis?

15. Can you supply a copy of the four signals mentioned in the *Observer* report of 6 January 1985? It is alleged that these signals were intercepted, de-coded, and made available to Northwood and Chequers; is this correct, and if so when were they received at Northwood and Chequers?

16. When was information first received at Northwood concerning the alleged Argentine re-call signal (20.07 of 2 May) which Admiral Lewin said was available on 3 or 4 May (Q505), and the signal 01.19 of 2 May? When was this information made available to Messrs Lewin, Fieldhouse and Woodward respectively?

17. Was the application for a change in the Rules of Engagement on 2 May made in writing, or was it a verbal request made by Admiral Lewin in what, from some accounts, was a "side room"? Was this a preliminary decision for formal endorsement at a later stage that day? At what time did Northwood know of the "positive response"?

18. In the "World of Action" programme of 3 December 1984 Lt Sethia records from his diary that on 25 April: "We had a re-assuring signal saying that it looks as though the diplomatic pontificating is now over and military intervention now seems inevitable." To whom was that signal sent? May we have a copy, classified if necessary?

19. In the Falklands Campaign: The Lessons (Cmnd 8758 of December 1982 (Paragraph 110 states that "on 2 May *HMS Conqueror* detected the Argentine cruiser *General Belgrano*". However in *Hansard* of 19 December 1984 (col 208) it states that it was on 1 May. Can you reconcile this discrepancy?

20. Can you provide, if necessary on a confidential basis, copies of all the signals passing between *Conqueror* and Northwood on 1, 2 and 3 May 1982?

To Admiral of the Fleet Lord Lewin

21. In answer to Question 476 you stated that: "the change in the Rules of Engagement to allow the *Belgrano* to be attacked was not a change in principle. The decision on the change in principle had already been taken". When? By whom? In what manner?

22. You have told the Committee that you alone represented the combined views of the Chiefs of Staff, but that the Mandarins Committee supplied some at least of the information on which political judgements were to be made. Was the occasion at Chequers on 2 May the only occasion when you were alone with the War Cabinet without the Mandarins being involved? You have told us (Q477) that the Mandarins were present at Chequers, but were not brought into the decision making. Why not?

23. Did you at any time consider, or were you asked to assess, the impact on Argentine naval opinion of the end of US neutrality? What impact would the prospect of US intelligence and satellite information probably have had on them? Could this have been at least as big a factor in the keeping of Argentine naval forces within the 12-mile limit as the sinking of the *Belgrano* and the later public warning to the UN on 7 May?

24. You are quoted in the *Guardian* of 2 October 1984 concerning the situation around 23–24 April: "from my point of view these were the end of negotiations"; also later in relation to the events of 1 May: "as far as Whitehall is concerned negotiations were at an end". In your reference to Whitehall did you mean Government policy as a whole, MoD, FCO or whom?

25. In conveying the signal containing the War Cabinet decision to change the Rules of Engagement on 2 May to *HMS Conqueror*, was it left to the discretion of the submarine Commander as to whether he should engage the *General Belgrano* or not?

To the Rt Hon Sir John Nott

26. We understand that you first heard of the discovery of the *Belgrano* shortly after midday on Sunday 2 May at Chequers and were then told that it had been sighted some time previously. In view of this how was it that in your House of Commons Statement on the following Tuesday (*Hansard* 4 May, cols 29–30) you said, after referring to the air attacks on the fleet on the Saturday: "the next day 2 May at 8 pm London time, one of our submarines detected . . . attack group was close to the Total Exclusion Zone and was closing on elements of the task force which was only hours away?" Are not these two sets of facts totally inconsistent? Does not the statement imply that the sighting and attacking were within a short space of time, when you knew that they were hours apart?

To the Secretary of State for Foreign and Commonwealth Affairs

27. Please supply a copy of any Memorandum, letter or minute of 1 May 1982 in which the then Foreign Secretary "raised the need for a further warning to the Argentine Government" (see paragraph 7 of the Annex to the Prime Minister's letter of 19 September 1984 to Mr George Foulkes, MP).

28. For what time was Sir Antony Acland, or other senior FCO official, asked to attend the War Cabinet at Chequers on Sunday 2 May 1982?

To the Attorney-General

29. Did the Attorney-General concur in the representations made by the then Foreign Secretary on 1 May 1982 concerning "the need for a further warning to the Argentine Government" (see para 7 of the Annex to the Prime Minister's letter of 19 September 1984 to Mr George Foulkes, MP)? Please supply a copy of any communications from the Attorney-General to any other Ministers relating to this matter.

30. Were you present at the War Cabinet at Chequers on 2 May 1982? If not, by whom were you represented?

31. Was a member of your Department a member of the Mandarins Committee?—(*Mr Nigel Spearing.*)

Amendment proposed, to leave out paragraph 1.—(*Mr Peter Thomas.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 5	Noes, 3
Mr Robert Harvey	Mr Dennis Canavan
Mr Ivan Lawrence	Mr Ian Mikardo
Mr Jim Lester	Mr Nigel Spearing
Mr Peter Thomas	
Mr Bowen Wells	

Ordered, That further consideration of the Motion be adjourned till Wednesday 23 January.—(*Mr Bowen Wells.*)

The Committee further deliberated.

[Adjourned till Wednesday 23 January at 10.30 am.

WEDNESDAY 23 JANUARY 1985

Members present:

Sir Anthony Kershaw, in the Chair

Mr Dennis Canavan
Mr Robert Harvey
Mr Ivan Lawrence
Mr Jim Lester
Mr Ian Mikardo
Mr Nigel Spearing
Mr Peter Thomas
Mr Bowen Wells
Mr Michael Welsh

The Committee deliberated.

The Committee, according to Order, resumed the adjourned debate on the Question proposed on 16 January, That certain questions be put to Ministers and other persons *[for the full text of the Motion, see Minutes of Proceedings for 16 January 1985]*.

Another Amendment made.

Another Amendment proposed, to leave out paragraph 3.—(*Mr Ivan Lawrence.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 5
Mr Robert Harvey
Mr Ivan Lawrence
Mr Jim Lester
Mr Peter Thomas
Mr Bowen Wells

Noes, 4
Mr Dennis Canavan
Mr Ian Mikardo
Mr Nigel Spearing
Mr Michael Welsh

Another Amendment made.

Another Amendment proposed, to leave out paragraph 5.—(*Mr Ivan Lawrence.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 5
Mr Robert Harvey
Mr Ivan Lawrence
Mr Jim Lester
Mr Peter Thomas
Mr Bowen Wells

Noes, 4
Mr Dennis Canavan
Mr Ian Mikardo
Mr Nigel Spearing
Mr Michael Welsh

Another Amendment proposed, to leave out paragraph 6.—(*Mr Ivan Lawrence.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 5
Mr Robert Harvey
Mr Ivan Lawrence
Mr Jim Lester
Mr Peter Thomas
Mr Bowen Wells

Noes, 4
Mr Dennis Canavan
Mr Ian Mikardo
Mr Nigel Spearing
Mr Michael Welsh

Another Amendment proposed, to leave out paragraph 7.—(*Mr Peter Thomas.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 5
Mr Robert Harvey
Mr Ivan Lawrence
Mr Jim Lester
Mr Peter Thomas
Mr Bowen Wells

Noes, 4
Mr Dennis Canavan
Mr Ian Mikardo
Mr Nigel Spearing
Mr Michael Welsh

Another Amendment proposed, to leave out paragraph 8.—(*Mr Peter Thomas.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 5
Mr Robert Harvey
Mr Ivan Lawrence
Mr Jim Lester
Mr Peter Thomas
Mr Bowen Wells

Noes, 4
Mr Dennis Canavan
Mr Ian Mikardo
Mr Nigel Spearing
Mr Michael Welsh

Another Amendment made.

Another Amendment proposed, to insert the following paragraph:

"To the Secretary of State for Defence

9A. Did the War Cabinet receive any substantive military appreciation of the hazards and risks of an attempt to re-invade the Islands and, if so, when? What attention did the War Cabinet give to the threat of Argentine air attacks on the Task Force?".—(*Mr Nigel Spearing.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 4
Mr Dennis Canavan
Mr Ian Mikardo
Mr Nigel Spearing
Mr Michael Welsh

Noes, 5
Mr Robert Harvey
Mr Ivan Lawrence
Mr Jim Lester
Mr Peter Thomas
Mr Bowen Wells

Another Amendment made.

Another Amendment proposed, to leave out paragraph 11.—(*Mr Ivan Lawrence.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 5	Noes, 4
Mr Robert Harvey	Mr Dennis Canavan
Mr Ivan Lawrence	Mr Ian Mikardo
Mr Jim Lester	Mr Nigel Spearing
Mr Peter Thomas	Mr Michael Welsh
Mr Bowen Wells	

Other Amendments made.

Another Amendment proposed, to leave out paragraph 17.—(*Mr Peter Thomas.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 5	Noes, 4
Mr Robert Harvey	Mr Dennis Canavan
Mr Ivan Lawrence	Mr Ian Mikardo
Mr Jim Lester	Mr Nigel Spearing
Mr Peter Thomas	Mr Michael Welsh
Mr Bowen Wells	

Ordered, That further consideration of the Motion be adjourned till Wednesday 30 January.—(*The Chairman.*)

Ordered, That Lord Thomas of Swynnerton be asked to provide information about any contacts he had with British and Peruvian Government representatives in Peru in early May 1982.—(*Mr Nigel Spearing.*)

The Committee further deliberated.

[Adjourned till Wednesday 30 January at 10.00 am

WEDNESDAY 30 JANUARY 1985
[Afternoon Sitting]

Members present:

Sir Anthony Kershaw, in the Chair

Mr Dennis Canavan	Mr Norman St John-Stevas
Mr Robert Harvey	Mr Nigel Spearing
Mr Ivan Lawrence	Mr Peter Thomas
Mr Jim Lester	Mr Bowen Wells
Mr Ian Mikardo	

The Committee deliberated.

Resolved, That, in relation to the inquiry into the events surrounding the weekend of 1–2 May 1982, the Committee call for the submission of the Ministry of Defence document colloquially known as "the Crown Jewels" on the same basis as that on which it has been made available to participants in the hearing of Regina *v* Ponting in the Central Criminal Court.—(*Mr Mikardo.*)

Ordered, That further consideration of Mr Spearing's Motion be deferred until the Committee has had an opportunity to study the "Crown Jewels".—(*Mr Mikardo.*)

Ordered, That the Clerk to the Committee approach Channel 4 TV to request that copies of the informal transcript made on its behalf of the proceedings in the case of Regina *v* Ponting, be made available to the Committee.—(*Mr Mikardo.*)

[Adjourned till Wednesday 6 February at 10.30 am.

WEDNESDAY 20 MARCH 1985
[Afternoon Sitting]

Members present:

Sir Anthony Kershaw, in the Chair

Mr Dennis Canavan	Mr Nigel Spearing
Mr Ivan Lawrence	Mr Peter Thomas
Mr Jim Lester	Mr Bowen Wells
Mr Ian Mikardo	

The Committee deliberated.

The Committee, according to Order [30 January], resumed the adjourned debate on the Question proposed on 16 January, That certain questions be put to Ministers and other persons *[for the full text of the Motion, see Minutes of Proceedings for 16 January 1985]*.

Another Amendment proposed, to leave out paragraph 18.—(*Mr Bowen Wells.*)

Question, That the Amendment be made, put and negatived.

Another Amendment made.

Another Amendment proposed, to leave out paragraph 20.—(*Mr Jim Lester.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 3	Noes, 3
Mr Ivan Lawrence	Mr Dennis Canavan
Mr Jim Lester	Mr Ian Mikardo
Mr Bowen Wells	Mr Nigel Spearing

Whereupon the Chairman declared himself with the Noes.

Other Amendments made.

Another Amendment proposed, to leave out paragraph 23.—(*Mr Jim Lester.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 3	Noes, 3
Mr Ivan Lawrence	Mr Dennis Canavan
Mr Jim Lester	Mr Ian Mikardo
Mr Bowen Wells	Mr Nigel Spearing

Whereupon the Chairman declared himself with the Noes.

Other Amendments made.

Main Question, as amended, agreed to.

Resolved accordingly, That the following questions be put to the respective Ministers and other persons:

To the Prime Minister

1. What full Cabinet meetings were held between 2 April and 2 May 1982 which dealt with the Falklands?

To the Secretary of State for Defence

2. Please supply a chart of the South Atlantic, similar to that published by the *New Statesman* and suitable for reproduction, to show: (1) the 200-mile TEZ; (2) the position(s) of the main elements of the Task Force on 2 May; (3) the 12-mile limit of Argentine waters: (4) the course of the *Belgrano* as described in the unsent letter to Tam Dalyell; (5) the course of the *25 May* during 1 and 2 May and (6) the assessed combat radius of Argentine land-based aircraft, together with the location of their attacks on the Task Force on 1 May, other than in the vicinity of Port Stanley.

3. What was the nature of the air and naval attacks on the fleet on 1 May 1982?

4. What were the details of the "intelligence assessment" which Sir John Nott told us (Q642) was provided for the War Cabinet on 2 May 1982, and, in the light of information now available, what parts were (a) inaccurate as to fact and (b) mistaken as to forecast?

5. Can the Secretary of State confirm that the information contained in the *Observer* newspaper's report on 6 January, referring to Argentine signals relating to movements of the Argentine fleet on 29 April, and 1 and 2 May 1982, is correct? If so, when were the signals made available to Northwood and Chequers? Can copies be supplied to the Committee?

6. When was information first received at Northwood concerning the alleged Argentine re-call signal (20.07 of 2 May) which Admiral Lewin said was available on 3 or 4 May (Q505), and the signal 01.19. of 2 May? When was this information made available to Admirals Lewin, Fieldhouse and Woodward respectively?

7. In the "World in Action" programme of 3 December 1984 Lt Sethia records from his diary that on 25 April: We had a reassuring signal saying that it looks as though the diplomatic pontificating is now over and military intervention now seems inevitable." To whom was that signal sent? May we have a copy, classified if necessary?

8. Can you provide, if necessary on a confidential basis, copies of all the signals passing between *Conqueror* and Northwood on 1, 2 and 3 May 1982?

To Admiral of the Fleet Lord Lewin

9. Did you at any time consider, or were you asked to assess, the impact on Argentine naval opinion of the end of US neutrality? What impact would the prospect of US intelligence and satellite information probably have had on them? Could this have been at least as big a factor in the keeping of Argentine naval forces within the 12 mile limit as the sinking of the *Belgrano* and the later public warning to the UN on 7 May?

10. In conveying the signal containing the War Cabinet decision to change the Rules of Engagement on the 2 May to *HMS Conqueror*, was it left to the discretion of the submarine Commander as to whether he should engage the *General Belgrano* or not?

To the Rt Hon Sir John Nott

11. We understand that you first heard of the discovery of the *Belgrano* shortly after midday on Sunday 2 May at Chequers and were then told that it had been sighted some time previously. In view of this how was it that in your House of Commons Statement on the following Tuesday (*Hansard* 4 May cols 29–30) you said, after referring to the air attacks on the fleet on the Saturday: "the next day 2 May at 8 pm London time, one of our submarines detected . . . attack group was close to the total exclusion zone and was closing on elements of the task force which was only hours away?" Are not these two sets of facts totally inconsistent? Does not the statement imply that the sighting and attacking were within a short space of time, when you knew that they were hours apart?

To the Secretary of State for Foreign and Commonwealth Affairs

12. Please supply a copy of any Memorandum, letter or minute of 1 May 1982 in which the then Foreign Secretary "raised the need for a further warning to the Argentine

Government" (see paragraph 7 of the Annex to the Prime Minister's letter of 19 September 1984 to George Foulkes, MP).

13. For what time was Sir Antony Acland, or other senior FCO official, asked to attend the War Cabinet at Chequers on Sunday 2 May 1982?

14. Please supply copies of all messages received from Lima and Washington during the twenty-four hours (local time in each case) of 2 May 1982.

15. Please supply copies of all FCO documents of which copies were included in the compilation of documents prepared in the Ministry of Defence and colloquially known as the "Crown Jewels".

To the Attorney-General

16. Were you present at the War Cabinet at Chequers on 2 May 1982? If not, by whom were you represented?

17. Was a member of your Department a member of the Mandarins Committee?

[The Committee adjourned.

WEDNESDAY 3 APRIL 1985

Members present:

Sir Anthony Kershaw, in the Chair

Mr Dennis Canavan
Mr Robert Harvey
Mr Nigel Spearing
Mr Peter Thomas
Mr Bowen Wells

The Committee deliberated.

Motion made, and Question put, That notwithstanding the decision of the Committee on 20 March, questions 4, 5 and 6 should not be submitted to the Secretary of State for Defence.—(*Mr Peter Thomas.*)

The Committee divided.

Ayes, 3	Noes, 2
Mr Robert Harvey	Mr Dennis Canavan
Mr Peter Thomas	Mr Nigel Spearing
Mr Bowen Wells	

[The Committee adjourned.

WEDNESDAY 12 JUNE 1985

Members present:

Sir Anthony Kershaw, in the Chair

Mr Dennis Canavan
Mr Robert Harvey
Mr Ivan Lawrence
Mr Jim Lester
Mr Ian Mikardo
Mr Norman St John-Stevas
Mr Nigel Spearing
Mr Peter Thomas
Mr Bowen Wells
Mr Michael Welsh

The Committee deliberated.

Draft Report [The events surrounding the weekend of 1–2 May 1982], proposed by the Chairman, brought up and read.

Draft report [The events of 1–2 May 1982], proposed by Mr Nigel Spearing, brought up and read, as follows:

" THE EVENTS OF 1–2 MAY 1982

DRAFT REPORT PROPOSED BY MR NIGEL SPEARING

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THE EVENTS OF 1–2 MAY 1982

1 Introduction

1.1 Our predecessor Committee in the last Parliament initiated an inquiry into the Falkland Islands in the autumn of 1982, and visited the Islands in February 1983. A draft Report[1] was under consideration when Parliament was dissolved in May 1983. Immediately after the appointment of the present Committee in December 1983, we decided to pursue the inquiry with particular reference to future constitutional and economic developments, and the prospects for a negotiated settlement of the dispute with Argentina "in the light of the establishment of a democratic regime in Buenos Aires, and in the light of previous failures to secure such a settlement". A Report covering most aspects for these terms of reference was published in December 1984.[2]

Evidence

1.2 In the course of the inquiry last session we took evidence relating to the Peruvian peace initiative and to the events of 1–2 May from:

Sir Nicholas Henderson, GCMG, former HM Ambassador to Washington;
Sir Anthony Parsons, GCMG, MVO, MC, former UK Permanent Representative at the United Nations;
Rt Hon Francis Pym, MC, MP, former Foreign Secretary; and
Rt Hon Baroness Young, Minister of State for Foreign and Commonwealth Affairs.

1.3 While we were taking this initial round of oral evidence, there was an exchange of correspondence between the Prime Minister and the Rt Hon Denzil Davies, MP, Opposition Spokesman on Defence, about the sinking of the Argentine cruiser *General Belgrano* on 2 May 1982.[3] Allegations had also been made publicly about apparent discrepancies in the published accounts of this event and about the possible connection of the sinking to the Peruvian initiative of that weekend. These matters were set out and discussed in detail in a book, *The Sinking of the Belgrano*, by Mr Arthur Gavshon and Mr Desmond Rice, published by Secker and Warburg in March 1984, and were further aired in a BBC "Panorama" broadcast on 16 April 1984. At about the same time (on 19 March 1984) Mr Tam Dalyell, MP, who had persistently raised these issues in the House of Commons and elsewhere, wrote to the Secretary of State for Defence asking for details of the course of the *Belgrano* prior to its sinking. The Committee decided, on 27 June 1984, to make a separate Report to the House on "Events Surrounding the Weekend of 1–2 May", which we now present.

[1] The evidence taken by the previous Committee was published as HC 31 — i to xv (Session 1982–83). The draft Report is reproduced in the Committee's Minutes of Proceedings, Session 1982–83 (HC 380).
[2] HC 238, I–II (Session 1983–84).
[3] Set out in paras 1.16 and 1.17 below.

1.4 When giving evidence on 11 June 1984, Mr Francis Pym was asked why he had not been consulted in Washington about changes in the Rules of Engagement on 2 May, and replied that he would not expect to be.[4] In an earlier reply he had stated that changes to the Rules were "a reasonably routine practice. It happened quite a number of times in the course of the war".[5] During oral evidence on 20 June, following up these points, Lady Young was asked to provide a list of these changes.[6] This request was transferred to the Ministry of Defence, and on 19 July we received, under covering letter signed by the Rt Hon John Stanley, MP, Minister of State, a memorandum providing a general commentary on the Rules of Engagement, but not answering the questions asked.[7]

1.5 On 18 July the Clerk to the Committee received from Mr Tam Dalyell, MP documents which included an internal Ministry of Defence minute signed by Mr J M Legge, Head of Defence Secretariat 11 (DS11), advising Ministers not to answer the questions as asked, since that would involve providing "more information than Ministers have been prepared to reveal so far about the *Belgrano* affair". Mr Legge gave a number of other reasons why this suppression of information should be maintained. Another document was a draft reply to the letter of inquiry from Mr Dalyell of 19 March and his reminder of 1 May 1984. The draft, which was never sent, contained details of the course of the *Belgrano* prior to its sinking. Both documents were later agreed as authentic by the Secretary of State for Defence. They were published, in almost complete form, in the *New Statesman* of 24 August 1984, and are found in evidence.

1.6 At our meeting on 25 July the Committee was provided with both Mr Stanley's letter and memorandum, and the documents sent to us by Mr Dalyell. The Committee decided to ask the Secretary of State, or a Minister nominated by him, to attend to explain why the questions had not been fully answered, and to answer questions on the other documents, particularly on what is now colloquially called the Legge minute. But for the long Summer Recess he would no doubt have attended much sooner than 7 November, when he gave evidence in public. In the meantime, Mr Clive Ponting had been charged under Section 2 of the Official Secrets Act with providing information to "an unauthorised person". Although maintaining a close interest in the case, and receiving a transcript of the evidence, the Committee are not directly concerned with this controversial and unsuccessful prosecution.

1.7 Following evidence on 7 November 1984,[8] from the Rt Hon Michael Heseltine, currently Secretary of State for Defence, we have also received oral evidence this Session from:

> Mr Arthur Gavshon and Mr Desmond Rice, authors of *The Sinking of the Belgrano*[9] on 14 November, 1984;
>
> Mr Charles Wallace, CMG, CVO, former HM Ambassador in Lima, currently Ambassador in Montevideo, on 5 December, 1984;
>
> Admiral of the Fleet, Lord Lewin, KG, CGB, MVO, DSC, former Chief of the Defence Staff, on 5 December 1984; and
>
> The Rt Hon Sir John Nott, KCB, former Secretary of State for Defence, also on 5 December 1984.

A motion in Committee on 12 December 1984 to request the Prime Minister to attend for oral evidence was negatived on Division.[10] Mr Alexander Haig was invited to give oral evidence, but, for reasons which we understand, declined; but we have drawn on his book, *Caveat*.[11] We also received written evidence from a number of persons, including the Rt Hon Cecil Parkinson.

[4] Q396 (1983–84).
[5] Q390 (1983–84).
[6] Q642 (1983–84).
[7] Evidence, p 1.
[8] QQ1–152.
[9] Secker and Warburg, March 1984.
[10] The Minutes of Proceedings for this day are reproduced in this volume.
[11] Weidenfeld and Nicolson, 1984.

Motion for further written questions

1.8 Following further public revelations and comment, but before the trial of Regina v Ponting, the Committee considered, on 16 January, a motion from one of its Members to send an additional thirty-one questions to various persons on matters arising from the oral questioning of witnesses. This motion was in effect considered at four meetings[12] of the Committee, which decided, on divisions, to delete from the motion eight questions. Five were amended by agreement, two were added by agreement, eight were withdrawn, and seventeen were included in the motion as agreed on 20 March 1985. However, at a further meeting on 3 April 1985, a motion was passed, on a division, that "notwithstanding" the resolution of 20 March, the Ministry of Defence be not required to answer three of the questions contained in the motion passed on 20 March. A full list of the questions concerned are to be found in the Minutes of Proceedings of the Committee published with this Report.

Government obstruction

1.9 We record that the Committee experienced obstruction from the Government in the course of its enquiry. Despite the publicity concerning the Government's attempt to obstruct the Committee in the matter of the Rules of Engagement, we must also record further obstruction from the Government in respect of certain Foreign Office documents. Following the surprising use of highly classified documents, colloquially known as the "Crown Jewels", during closed sessions of the Ponting prosecution, the Committee requested submission of the documents "on the same basis".

1.10 The Secretary of State for Defence agreed, and the documents were perused by all members of the Committee, although we were not permitted to take any notes—even though Mr Peter Greig, author of an article in *Granta*,[13] might be thought to have had access to the documents without any such restriction. These documents were not submitted as formal evidence, but we have taken their contents fully into account in reaching our conclusions. However, the Committee did subsequently request, in its motion of 20 March, that the Foreign Secretary should make available all Foreign Office documents included in the "Crown Jewels". On 19 April we received a reply explaining that the Foreign Secretary could not comply with the request since, although originating in the Foreign Office, the documents concerned were part of a highly classified document whose contents were revealed to the Committee on agreed terms. Forwarding copies of the documents would thus not be possible. He did, however, enclose a resumé of contents of telegrams received from Mr Charles Wallace in Lima (despatched late on 1 May, received on 2 May), and that from Sir Nicholas Henderson sent from Washington after further telephone conversations with Mr Haig concerning the Peruvian plan on the afternoon of 2 May. We do not believe that publication of the full contents of these telegrams would prejudice the security of the realm, and we thus regard this decision as a further obstruction of Parliament by the Government.

1.11 When time for oral examination is short, or important afterthoughts occur, the submission of written questions by correspondence between Select Committees and their witnesses is not unusual. We believe that such questions should not be sent, if they are irrelevant, repetitious or frivolous. We do not consider the questions deleted by motion to be in any of these categories, and thus regret the action taken by some Members in obstructing others pursuing proper parliamentary activities. We review matters of obstruction in Section 7 of this Report.

Scope, plan and findings of this Report

1.12 Early in this enquiry it became clear that the events of, and immediately surrounding, 1–2 May 1982 could be understood only within a much broader context. This context is not the general events of the Falklands conflict but key aspects and elements which were present from the beginning, and which join together with particular significance in the events of those two or three crucial days.

> *First* is the relationship and co-ordination between defence and foreign policy. "Security" is the aim of both, but both need to be effectively co-ordinated in order to achieve it.

[12] See Minutes of Proceedings for 16, 23, 30 January, and 20 March 1985.
[13] *Granta* 15, Spring 1985.

Second is the structure of political control and decision-making in respect of military affairs, and the extent to which a width of military judgment and depth of information, which are central to "crisis management" and therefore vital to the nation, are supplied to political decision-makers.

Third is the degree to which at periods of potential armed conflict the decision-makers not only carry but also are seen to carry the confidence of Parliament and people by providing the maximum information consistent with genuine national security. In this conflict we saw a distinction between the interests of the Administration of the day and those of the nation as a whole.

1.13 We believe that Her Majesty's Government has been badly wanting in all these respects; and that most of its suppression of information and facts from our Committee, from Parliament and from the public are in no way justified on grounds of national security. All these aspects meet in events surrounding the sinking of the *Belgrano*, and reveal what the Government have been attempting to conceal: a hasty and unjustifiable decision to risk many lives and a possible disaster in order to ensure the life of an administration which was itself palpably negligent. To do this it needed to strike a public posture inconsistent with its actual conduct, and did so.

1.14 In this Report we set out the evidence and argument to sustain these findings. In colloquial language this is not a who-dunnit but a why-dunnit. The full answer is beyond our reach, but we list some questions for further investigation. In places the evidence and description, much of it from our own hearings and from the House of Commons Official Report, is necessarily detailed.

Acknowledgments

1.15 We are grateful to all those who gave oral or written evidence, including those who supplied transcripts of radio and television programmes, and particularly to Channel 4 for their unofficial transcript of the case of Regina v Ponting. It will be realised that this Report, unlike the Chairman's draft Report, has had to be researched and written by the Member submitting it and the three other Members supporting him, with the help of their personal staffs: We owe our thanks to those staff and to the staff of the Reference and Research Division of the Library of the House of Commons.

Letters exchanged between the Prime Minister and Mr Denzil Davies, MP.

1.16 On 6 March 1984 Mr Denzil Davies, MP wrote to the Prime Minister as follows:

"I am writing on behalf of the Shadow Cabinet to ask for your comments on the serious discrepancies which exist between the Government's version of the circumstances surrounding the sinking of the *General Belgrano* by *HMS Conqueror* on 2 May 1982 and statements made regarding the affair in two recent publications.

"The Government maintains, in paragraph 110 of the Falklands Campaign: the Lessons, Cmnd 8758 that the *Conqueror* detected the *Belgrano* on 2 May 1982. Yet in their book *Our Falklands War: the men of the Task Force tell THEIR story*, by Geoffrey Underwood, the Commander of the *Conqueror* is reported to have said that he visually sighted the *Belgrano* early in the afternoon of 1 May and followed it for over 30 hours.

"In another book published on 5 March, *The Sinking of the Belgrano*, by Desmond Rice and Arthur Gavshon, the authors also maintain that the *General Belgrano* had been located 48 hours before it was sunk and was then trailed for more than 30 hours. They further assert that when the *Belgrano* was sunk it was on course for the Argentine coastline.

"Because of the widespread concern regarding the reasons behind the sinking of the *Belgrano*, I should be grateful for your comments."

1.17 The Prime Minister replied to Mr Davies on 4 April 1984 as follows:

"Thank you for your letter of 6 March about the sinking of the *General Belgrano*.

"The background to this event is worth recalling. On 30 April the Total Exclusion Zone was established around the Falkland Islands. On 1 May attacks by Vulcan and Sea Harrier aircraft were carried out on Stanley Airfield as part of the process of enforcing the Total Exclusion Zone. On the same day the Task Force came under attack for the first time from the Argentine Airforce and some Argentine

aircraft were shot down. We were all very conscious of the risk that these assault on the Task Force would be backed up by attacks by surface ships and submarine of the Argentine Navy and by aircraft from their carrier, the *25 de Mayo*. All British units were on maximum alert to deal with any naval or air attacks.

"*HMS Conqueror*, on patrol south of the Falkland Islands, detected an Argentin oiler auxiliary which was accompanying the *Belgrano* on 30 April. She sighted th *Belgrano* for the first time on 1 May when it was accompanied by two destroyer armed with Exocet missiles. Paragraph 110 of Command 8758 describes the event of 2 May which led to the sinking of the cruiser. As Janet Young explained in th House of Lords on 13 July 1983, that account was not intended to say when th cruiser was first located. The essential point is that it was on 2 May that we hac indications about the movements of the Argentine fleet which led the Task Forc Commander, Admiral Woodward, to request a change in the Rules of Engagemen to permit the *Belgrano* to be attacked outside the Total Exclusion Zone.

"The circumstances on that day have been well described by Admiral Woodwarc in his lecture at the Royal United Services Institute on 20 October 1982:

> 'Early on the morning of 2 May, all the indications were that *25 de Mayo* the Argentinian carrier, and a group of escorts had slipped past my forwarc SSN barrier to the north, while the cruiser *General Belgrano* and her escorts were attempting to complete the pincer movement from the south, still outside the Total Exclusion Zone. But *Belgrano* still had *Conqueror* on the trail. My fear was that *Belgrano* would lose the SSN as she ran over the shallow water of the Burdwood Bank, and that my forward SSN barrier would be evaded down there too. I therefore sought, for the first and only time throughout the campaign, a major change to the Rules of Engagement to enable *Conqueror* to attack *Belgrano* outside the Exclusion Zone.'

"Ministers agreed to the proposed change in the Rules of Engagement at about 1 pm London time on 2 May. Orders were sent immediately to *HMS Conqueror*, which attacked the *Belgrano* at 8 pm London time. Because of the indications that the *Belgrano* posed a threat to the task force, her precise position and course at the time she was sunk were irrelevent.

"The first indications of the possible Peruvian peace proposals reached London from Washington at 11.15 pm London time and from Lima at 2 am London time on 3 May.

"My comments on paragraph 3 about the first contacts with the *Belgrano* group go further than we have been prepared to do hitherto. I have only felt able to do this now as, with the passage of time, those events have lost some of their original operational significance.

"Throughout the events described above it was a major concern of the Government to protect by all the means available the Task Force which has been despatched to the South Atlantic with all-party support."

2. The Gathering Storm

2.1 As is made clear in the Introduction, it is not possible to consider all the strands that went into the events of 1–2 May 1982 without placing them in their context. The purpose of this Section is to place the events in the perspective of domestic and naval controversy in the United Kingdom; the degree of co-ordination between the Foreign Office and the Ministry of Defence in preventing the invasion; and the role of the United Nations and the importance of its Charter. A chronological summary of the events from Thursday 1 April to 7 May 1982 is attached as a Table.

TABLE

Chronology of the Falklands Conflict 1 April to 7 May 1982

Date	*London (+ Brussels)*	*Washington*	*New York (UN)*	*Buenos Aires*	*South Atlantic*
April Thur 1		Reagan telephones Galtieri to urge restraint	SC meets and calls for utmost restraint		
Fri 2	Cabinet meets twice in emergency session; two "holding" statements to House of Commons		UK tables draft resolution in SC	Jubilation at "recovery" of Malvinas	Seizure of Falkland Islands by Argentine forces
Sat 3	Debates in Commons and Lords		SC resolution 502 adopted by 10 to 1 with 4 abstentions		Seizure of South Georgia by Argentine forces
Sun 4					
Mon 5	Resignations of FCO Ministers Carrington, Atkins and Luce; Departure of Task Force carrier group from Portsmouth; Sanctions against Argentina announced				
Tues 6		Haig talks separately to UK and Argentine Ambassadors		Decree adopted on call-up of reserves	
Wed 7	Debate in Commons: declaration of MEZ foreshadowed by Nott	Reagan approves Haig's planned mediation shuttle			
Thur 8	Secretary of State Haig in London for talks				
Fri 9	3 Commando Brigade sails from Portsmouth on Canberra				
Sat 10				Haig arrives	
Sun 11	(Brussels) EEC states agree to cease arms exports to Argentina (most had ceased unilaterally on 6–7 April)				
Mon 12	Haig returns for further talks			Haig leaves	MEZ in effect with submarine *Spartan* on station; Task Force beginning to converge on Ascension
Tues 13	Haig leaves		SC receives replies of UK and Argentina to Peruvian proposal for 72-hour truce		
Wed 14	Debates in Commons and Lords; (Brussels) EEC ban on imports from Argentina agreed	Haig returns to brief Reagan			
Thur 15				Haig returns	Argentina fleet puts to sea

Fri 16				Haig presents 5 point plan to Junta – later debated by Security Council	Falklands and Wasp and trawler all released
Sat 17					Task Force begins to leave Ascension
Sun 18				Haig leaves for Washington	
Mon 19		Haig finally returns to Washington			
Tues 20					(and 22) Unsuccessful British attempts to land advance group on S Georgia
Wed 21					Galtieri visits Argentine garrison on Falklands
Thur 22	Pym leaves for Washington	Pym discusses UK point of view with Haig			Reconnaissance parties successfully landed on South Georgia
Fri 23	Warning issued to Argentina on consequences of interfering with mission of Task Force	Pym breakfasts with National Security Advisor Clark before returning to London			
Sat 24	War cabinet discusses likely shape of "Haig plan"; Mrs Thatcher monitors South Georgia operation at Northwood				Surrender of Argentine forces at Grytviken
Sun 25					Surrender of Argentine forces at Leith – completing recovery of South Georgia
Mon 26			Perez de Cuellar issues statement appealing to both parties "to comply immediately with the provisions of SC resolution 502"		
Tues 27	Chiefs of Staff present "Operation Sutton" to war cabinet. Haig's "final" package received and accepted in principle	Haig sends "final package" to London and Buenos Aires			
Wed 28	TEZ announced—to take effect from 30 April	OAS adopts resolution only barely favourable to Argentina			Vulcan bomber arrives at Ascension; Task Force on edge of MEZ
Thur 29	Debates in Commons and Lords	Falklands situation debated in Congress		Junta wants changes before Haig plan acceptable	TEZ takes effect
Fri 30	War cabinet approves change in ROE to allow attack on *25 de Mayo*	Announcement of US "tilt" and sanctions against Argentina	Perez de Cuellar meets Costa Mendez		
May Sat 1	Pym leaves for Washington	Pym arrives (evening), Haig in telephone contact with Belaunde		Galtieri informed of Peruvian initiative by Belaunde (by telephone)	British bombing raid on Falklands airstrip, initial SAS/SBS landings on Falklands
Sun 2	War cabinet approves changes in ROE to allow attack on *Belgrano* or other ships	Pym talks with Haig, then leaves for New York	Perez de Cuellar meets Pym	Galtieri discusses Peruvian plan further with President Belaunde	*Belgrano* torpedoed by *Conqueror*

TABLE—continued

Chronology of the Falklands Conflict 1 April to 7 May 1982

Date	London (+ Brussels)	Washington	New York (UN)	Buenos Aires	South Atlantic
Mon 3	Announcement of requisitioning of QE2 and despatch of 5 Infantry Brigade				
Tue 4	Pym returns; Commons statements by Nott on *Belgrano* and *Sheffield*				2nd British bombing raid on airstrip; *Sheffield* hit by Argentine exocet; First Harrier shot down
Wed 5					
Thur 6			Junta indicates that "US/Peruvian" plan unacceptable as it stands		
Fri 7	Announcement that Argentine warships liable to be attacked anywhere outside of 12-mile coastal zone		Perez de Cuellar discusses "ideas" with British and Argentine delegations to UN		

Source: House of Commons Library

2.2 In the early months of 1982 the administration of the United Kingdom was well past its mid-term, and not markedly popular. One of its more controversial policies, particularly amongst its own supporters, was a reduction in the role of the Royal Navy to the NATO area, and thus a termination of an historic world-wide capability. The decision, largely based on controversial financial theories, had a profound impact on the Navy in men, ships, training and morale. Relatively new ships were to be sold and others were to be scrapped and not replaced.[13A] The Falklands operation reversed these priorities in almost every respect. Ships were made ready for sea by men with redundancy notices in their pockets, and manned by sailors who had been told they were for early retirement. A Minister who was believed to be reluctant to carry through the policy of naval cuts, Mr Francis Pym, had been replaced by one, Mr John Nott, who was believed to be ready to do so. Mr Nott was therefore obliged to deploy vessels during the Falklands conflict which would not have existed if his policy had been implemented earlier.

Foreign Policy and Defence

2.3 Whatever differences there are over alliances, deterrents, weapon systems and their deployment, people justify armaments as a means to prevent war. Less spectacular, but of equal or greater importance, is the use of complementary foreign policy and diplomacy to prevent escalation and the use of armed force. Thus, co-ordination within Government between those responsible for defence and foreign policies must be close. How did this operate before and during the Falklands conflict?

2.4 As early as November 1975, the Joint Intelligence Committee warned the then Wilson administration that:

> "A deliberately planned invasion of the Falkland Islands in the near future still seemed unlikely but could not be wholly excluded."[14]

2.5 In October 1979 Lord Carrington, then Foreign Secretary, circulated a Memorandum to the Defence Committee which pointed out that a "Fortress Falklands" policy or talks without making any concessions on the issues of sovereignty would both carry a "serious threat of invasion", and that if Argentina saw no progress there would be a "high risk of its resorting to more forceful measures, including direct military action".[15]

2.6 In November 1979 the Joint Intelligence Committee updated its assessment, and concluded that:

> "while the Argentine Government would prefer to achieve their sovereignty objectives by peaceful means, if negotiations broke down or if for some other reason the Argentine Goverment calculated that the British Government were not prepared to negotiate seriously on sovereignty, there would be a high risk of their resorting quickly to more forceful measures against British interests."[16]

2.7 Discussion of the earlier October memorandum of Lord Carrington had been postponed by the Prime Minister,[17] but was considered on 29 January 1980, when the "chaseback" option was discussed. Thus both Lord Carrington and the Joint Intelligence Committee made it clear late in 1979 and early in 1980 that unless the Argentine thought that talks would prove fruitful there was a distinct possibility of an invasion. However, when those precise circumstances arose, and the Argentine Government signalled their view on 1 March 1982 that there were no serious negotiations on sovereignty, no action was taken. These events are further described in paragraphs 2.12 to 2.15 below.

The withdrawal of *Endurance*

2.8 As part of the naval review the Antarctic research vessel *Endurance* was to be withdrawn and not replaced. On 5 June 1981 Lord Carrington wrote to Mr Nott pointing out the serious effect of such a policy, and urged a replacement. The presence of such a ship and its associated helicopter activity was, he wrote, "an important aspect of the maintenance of the British claim to sovereignty",[18] and he pointed out that any reduction

[13A] *The United Kingdom Defence Programme: The Way Forward* (Cmnd 8288), June 1981.
[14] Franks Report (*Falkland Islands Review*, Cmnd 8787, January 1983), para 40.
[15] *ibid.* para 75.
[16] *ibid.* para 77.
[17] *ibid.* para 76.
[18] *ibid.* para 116.

in its current level would be interpreted as a lack of will to defend the Islands. In July the British Embassy in Buenos Aires reported that very interpretation.[19]

2.9 As the policy was not changed, Lord Carrington, undeterred, wrote again to Mr Nott on 22 January 1982 to suggest a discussion. He was strengthened by an Early Day Motion in the House of Commons, and debate in the House of Lords on 16 December 1981.[20] Mr Nott replied on 3 February declining to reverse the decision. Even if discussion[21] did take place, the disinclination or refusal of the then Secretary of State for Defence (or the Prime Minister) to integrate foreign and defence policy was extraordinary.

2.10 On 9 February, Mr Callaghan questioned the Prime Minister on *Endurance* in the House of Commons. Referring to its impending withdrawal, he said that "it could have very serious consequences". This "stale old proposition" had been put to him and he had "turned it down flat". Will she please do the same?"

The Prime Minister replied:

> "I recognise that this was a very difficult decision for my Rt Hon Friend, the Secretary of State for Defence. The Rt Hon Gentleman will appreciate that there are many competing claims on the defence budget, even though we are increasing it substantially. He will also know that the defence capability of that ship is extremely limited. My Rt Hon Friend therefore felt that other claims on the defence budget should have greater priority."[22]

Despite the known political significance of the *Endurance* and its activities, the Prime Minister placed significance only on its fire-power. From this we conclude that either she was ignorant of its political significance or chose not to acknowledge it.

2.11 On 17 February Lord Carrington wrote to Mr Nott for the third time, warning of the consequences of the withdrawal of *Endurance* for the Government's position on the Falklands. He stated that he did not rule out an approach to the Cabinet's Defence Committee for additional funds, but said he would wait until the outcome of talks in New York scheduled for 26 and 27 February.[23]

The Buenos Aires Communiqué of 1 March 1982

2.12 Following the accession of General Galtieri to the Presidency of Argentina in December 1981, the British Ambassador in Buenos Aires received from the Argentine Foreign Office, in January 1982, a "bout de papier" setting out the Argentine claims on sovereignty. It called for negotiations "within a reasonable period of time and without procrastination". The United Kingdom Government agreed to talks to set up working groups to look at aspects of the dispute, although Lord Carrington observed that it would be necessary to resist the unrealistic timetable proposed by the Argentines.[24]

2.13 Richard Luce represented the United Kingdom in the talks of 26 and 27 February in New York. At their conclusion, a short agreed communique was drawn up concerning a proposed mechanism of negotiation. However, before the Argentine delegation had returned to Buenos Aires the Foreign Minister there issued a different communiqué from that already agreed. In emphasising the need for Argentine sovereignty, the unilateral communiqué concluded:

> "Argentina reserves the right to terminate the working of the mechanism, and to choose freely the procedure which accords best with her interests."[25]

However, the United Kingdom had made it clear at New York that sovereignty was not for negotiation unless the Islanders consented. Thus the "serious threat of invasion", predicted by the Foreign Office in 1979, had now arrived. This was confirmed by a report dated 2 March from the British Defence Attaché in Buenos Aires, which among other things described the ambitions of the Argentine navy, the study of "coup-de-main"

[19] *ibid.* para 117.
[20] Official Report (House of Lords), 16 December 1981, cols 208–37.
[21] Franks, para 117. The implication is that the discussion never in fact took place. Mr Nott was asked about this in the course of oral evidence to the Committee on 5 December 1984 (Q656). His reply was ambiguous.
[22] Official Report, 9 February 1982, col 857.
[23] Franks, para 118.
[24] *ibid.* paras 125–7.
[25] *ibid.* para 138.

operations, and the difficulty in detecting military moves. He envisaged the Argentines "landing marines on one of the Islands in a 24-hour exercise", and observed that if the Argentines "came to believe that a negotiated settlement was no longer possible, a straight seizure of the Islands was an obvious alternative".[26]

2.14 On receiving a telegram dated 3 March from the British Ambassador in Buenos Aires describing Argentine press reports, the Prime Minister wrote on it: "We must make contingency plans".[27] We fail to understand why so clear an instruction was not carried out.

2.15 On 5 March, Lord Carrington was told of the previous administration's despatch of naval units (including a submarine) in November 1977, a time of heightened tension.[28] Although he was told that the Argentines had no knowledge of its presence, Mr James Callaghan, Prime Minister at the time, stated that they did.[29] Given these circumstances, we do not understand why similar precautionary action was not taken. The Franks Report emphasises this omission.[30]

The degree of culpability

2.16 Bearing in mind all these matters, we reject the Franks conclusion that:

> "We would not be justified in attaching any criticism or blame to the present Government for the Argentine Junta's decision . . ."[31]

Whilst hindsight provides new perspectives, we cannot find an adequate explanation for so many acts of omission when the warnings and indications, and indeed risks, had been so clear. On any count the invasion cannot be properly described as coming "out of the blue"[32] when several weeks before it on or shortly after 3 March, the Prime Minister had written of the need for contingency plans. Events show an extraordinary lack of co-ordination between the Ministry of Defence and the Foreign Office, who had accurately predicted both the risks and the course of events as early as October 1979. Lord Carrington appeared to do everything possible to get Mr Nott, or the Prime Minister, to keep *Endurance* in commission and to reverse the decision to withdraw it. The Prime Minister chose not to accede to this request, ostensibly on the grounds that its guns were not big enough.

2.17 We believe that the evidence in the Franks Report shows very clearly that it was primarily the Prime Minister and Mr Nott who made the wrong decision, and that their degree of culpability has not been sufficiently recognised. The failure of the Government had considerable impact, not least on its supporters, and thus had a profound effect on the subsequent conduct of the conflict. It placed a political premium on the physical recovery of the islands and a reversion to the *status quo*. As we shall later describe, the Government appeared to ignore the possibility of using the illegal Argentine aggression as an opportunity to strengthen their bargaining position in the search for a permanent solution to a vexing problem. We believe that the circumstances surrounding the sinking of the *Belgrano* can be understood only in this perspective, for the very survival of the Prime Minister may have been at stake.

The United Nations dimension

2.18 The United Nations, its Charter and the operations of its institutions are crucial to an understanding of the events surrounding the weekend of 1–2 May 1982. In the course of the two main Falklands enquiries, members of the Committee made two visits to the United Nations, having informal meetings with 17 key delegations. We thus speak from direct experience.

2.19 The Falklands first became an issue at the United Nations in 1965, when the Argentine Government of the then President Peron raised the dispute as one of decolonisation. Resolution 2065 of that year called on the parties to report at the next Session, "bearing in mind . . . the interests of the population". From then on annual reports were.

[26] *ibid.* para 150.
[27] *ibid.* para 152.
[28] *ibid.* para 148.
[29] Official Report, 31 March 1982, col 168.
[30] Para 328.
[31] Para 339.
[32] *Daily Express*, 26 July 1982 and Official Report 26 October 1982.

made, but the Falklands were not regarded as a flashpoint issue. Indeed, when Sir Anthony Parsons, UK Permanent Representative at the UN, alerted fellow-members of the Security Council to the impending Argentine invasion on 1 April 1982, some thought he was playing an April-fool's joke on them.[33]

2.20 The Security Council is charged under Article 24 of the Charter with the maintenance of international peace and security. Members of the United Nations lay formal documents with the President and they become Security Council documents; these were of crucial importance during the Falklands conflict. The British Government invoked Article 51[34] in support of its claim to use armed force in self-defence[35] for regaining sovereignty over the invaded Falkland Islands. Actions taken in respect of this Article must be reported to the Security Council immediately.

2.21 Sir Anthony Parsons described to us in evidence, on 11 April 1984, how he obtained a meeting of the Security Council at 8.00 pm on the day before the invasion. The result was a declaration by its President calling on both parties to exercise restraint.[36] The next day, Friday 2 April, the Security Council met again, and Sir Anthony presented the text of a draft Resolution 502[37] which was adopted despite opposition from Panama, and abstentions by China, Poland and the USSR. Support for the United Kingdom derived from a combination of deft work by the UK Mission, the sudden and obvious aggression of the Argentine, and its flagrant breach of the Charter on a matter under consideration by the United Nations. All subsequent action by Britian would need to be within the letter and spirit of Article 51 and Resolution 502, and be seen to be so.

2.22 The warning to Argentina, establishing the Maritime Exclusion Zone (MEZ),[38] announced by Mr Nott in the debate on 7 April, was communicated to the Security Council on 9 April[39] and took effect on 12 April. It applied only to Argentine warships and naval auxiliaries; other vessels would need to be warned and stopped. Lord Lewin explained[40] the dual political and military nature of the zone, all of which was within the 200-mile line of territorial waters in an area within which Britain could claim rights of self-defence.

2.23 Further letters were sent, the most significant and controversial being the one dated 23 April,[41] which extended the warning of 9 April to all vessels whose presence "could amount to a threat to interfere with the mission of the British Task Force in the South Atlantic". Simply interpreted this meant that inside the zone the Argentines would be attacked, outside the zone they were liable to attack if the British considered them a threat to the mission of the British forces.

2.24 Also controversial was the UK letter dated 8 May[42] whose main purpose was "to reduce the possibility of misunderstanding about the United Kingdom's intentions, with

[33] Q345 (1983–84).

[34] The text of Article 51 of the Charter of the United Nations reads as follows: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."

[35] Whilst there are long-standing principles in international law concerning the rights of self-defence, we leave them aside, since they do not appear relevant to those aspects of the Falklands conflict with which we are principally concerned.

[36] Security Council document S/PV 2345.

[37] Resolution 502 read as follows:
"The Security Council,
Recalling the statement made by the President of the Security Council at the 2,345th meeting of the Security Council on 1 April 1982 (S/14944) calling on the Governments of the Argentine and the United Kingdom of Great Britain and Northern Ireland to refrain from the use or threat of force in the region of the Falkland Islands (Islas Malvinas),
Deeply disturbed at reports of an invasion on 2 April 1982 by armed forces of Argentina,
Determining that there exists a breach of the peace in the region of the Falkland Islands (Islas Malvinas),
1. Demands an immediate cessation of hostilities;
2. Demands an immediate withdrawal of all Argentine forces from the Falkland Islands (Islas Malvinas);
3. Calls on the Governments of Agentina and the United Kingdom to seek a diplomatic solution to their differences and to respect fully the purposes and principles of the Charter of the United Nations."

[38] See map on pp v and 185.

[39] S/14693.

[40] Q430.

[41] S/15097.

[42] S/15058.

regard to measures in exercise of the right of self-defence". Annexed was a statement made by the British Ministry of Defence on 7 May 1982 which consolidated earlier warnings but made it clear that:

> "any Argentine warship, or military aircraft which are found more than 12 nautical miles from the Argentine coast will be regarded as hostile and are liable to be dealt with accordingly".

This, of course, is a wider interpretation than that of 9 April (paragraph 2.22 above) since it permitted action even against vessels which constituted no threat. The communication shows the extent to which the criterion of "self-defence" had been stretched by the Ministry of Defence interpretation of what was primarily a legal and diplomatic matter. We are not surprised that, although the covering letter of 8 May from Sir Anthony Parsons only reiterates earlier letters, it is a Ministry of Defence document that provides the new and controversial content. But this content cannot be reconciled with Resolution 502, drafted by the UK, which had been laid before the Security Council by the Permanent Representative of the United Kingdom. The final part of it read:

> "calls on the Governments of Argentina and the United Kingdom to seek a diplomatic solution to their differences, and to respect fully the purpose and principals of the Charter of the United Nations".

2.25 Two other events occurred within the sphere of the United Nations but outside the aegis of the Security Council. On 26 April, perhaps prompted by the United Kingdom warning of 23 April, Secretary-General Perez de Cuellar issued an official statement reminding both parties that they should remain within the terms of the Charter and Resolution 502:

> "In view of the further armed exchange between Argentine and British forces which has taken place over the South Georgia Island, it is imperative that the escalation of the situation be halted. In this critical situation the Secretary-General therefore appeals to both parties to comply immediately with the provisions of Security Council Resolution 502 (1982) and to refrain from any action that would broaden yet further the conflict that threatens to have serious consequences for world peace."

This statement was widely interpreted as being directed at the United Kingdom, whose Permanent Representative had, of course, drafted and presented the Resolution.

2.26 Of much greater importance was the action taken by the Secretary-General to take a diplomatic initiative immediately after the formal conclusion of the Haig initiative. This action, initially confidential, was reported by him to the Security Council at their meeting on 21–22 May 1982. He stated that he saw Argentine representatives in New York on Saturday 1 May, and arranged to see Mr Pym on the evening of Sunday 2 May, after he had arrived from his second visit to Washington. The likelihood of such an initiative was of course well known—indeed the Prime Minister had dwelt on it at some length in her speech in the House of Commons the previous Thursday, 29 April. What has not been generally realised is that on the Sunday evening of 2 May the Secretary-General handed to Mr Pym, at the official residence of Sir Anthony Parsons, the United Kingdom Permanent Representative, an *aide-memoire* containing five proposals for avoiding armed conflict. He had also handed them to the Argentinian representative the previous day. We believe that this fact puts into a completely different perspective the speculation concerning peace initiatives over that weekend since both the Prime Minister and the War Cabinet must have known that such an initiative was likely. Thus firm diplomatic proposals from the body established to prevent armed conflict were in the hands of Argentine officials hours before the decision was made to sink the *Belgrano*, and in the hands of the British Foreign Secretary hours afterwards.

Cabinet and Parliament, 1–7 April 1982

2.27 Back in London the Cabinet met at 9.35 am on Friday 2 April. Mr John Nott advised his colleagues that a large amphibious Task Force was on immediate alert, and Lord Carrington reported on the diplomatic initiatives to be taken later that day, but a decision to instruct the Task Force to sail was not made until a later meeting at 7.30 pm.[43] In between the two meetings, at 11.20 am New York time (16.20 London

[43] Franks, paras 257–8.

time) the Security Council adopted Resolution 502, with its unmistakeable call for an Argentine withdrawal from the Islands, its general support for the British position, and its plea to both sides to settle their differences diplomatically. The Franks Report does not tell us what the orders or objectives for the Task Force were, or whether indeed they had been agreed by the Cabinet at either meeting. In the emergency debate the following day, Saturday 3 April, the Prime Minister herself was vague about Task Force orders, saying merely:

> "I cannot foretell what orders the Task Force will receive as it proceeds. That will depend on the situation at the time. Meanwhile, we hope that our continuing diplomatic efforts, helped by our many friends, will meet with success."[44]

As to the mission of the Task Force, the Prime Minister said, without elaboration:

> "It is the Government's objective to see that the Islands are freed from occupation and are returned to British administration at the earliest possible moment."[45]

In winding up the same debate, on Saturday 3 April, the Defence Secretary, John Nott, stated:

> "We intend to solve the problem and shall try to solve it continuingly by diplomatic means, but if that fails, *and it will probably do so*, we shall have no choice but to press forward with our plans, retaining secrecy where necessary and flexibility to act as circumstances demand."[46]

This statement, and indeed that of the Prime Minister, runs directly counter to the British-drafted Resolution 502 passed at the Security Council barely 24 hours previously, since success by diplomatic means might require more than a purely military solution, plans for which could hardly have been made at that stage.

2.28 Lord Carrington, as the "responsible" Secretary of State, insisted on resignation, and two Foreign Office Ministers[47] went with him. The Prime Minister resisted the resignation of Mr John Nott. In his first speech as Foreign Secretary, on 7 April, Mr Pym, unlike the Prime Minister, emphasised the role of economic sanctions and of the Security Council.[48]

2.29 In winding up for the Opposition, during the debate of 7 April, Mr John Silkin said, referring to the Task Force:

> "We have a right to know the expedition's objectives and we have not been told."[49]

He received no answer from the Defence Secretary, of whom he had said:

> "We do not have to give our trust to those who allowed the house to burn down, and we certainly do not have to applaud them being made chief of the fire brigade."

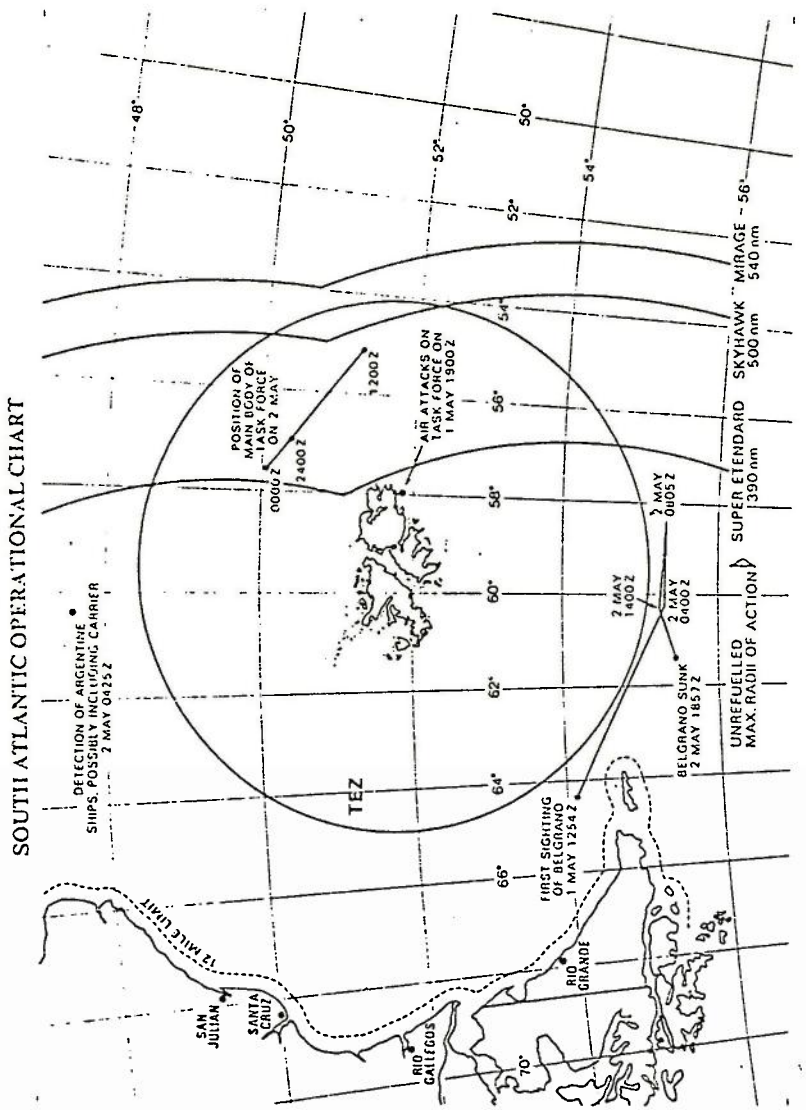
Mr Nott did, however, reply to a point made by Mr Healey about the implications of the United Nations Charter on the activities of the Task Force. He said:

> "I can assure him that we are fully entitled to take whatever measures may be necessary—I announced one tonight—including the use of force *in the last resort* to secure the withdrawal of Argentine forces from the Falkland Islands in the exercise of our inherent right of self defence under Article 51."[50]

Because of the qualification we are inclined to agree. However, this statement is not compatible with the objective, announced by the Prime Minister four days previously, to restore British administration "at the earliest possible moment". We can only conclude that from these very early days the Government was set on two incompatible and conflicting courses of action. That incompatibility would require either the mutually exclusive statements of the type quoted above or the suppression of some information in order to hide the incompatibility. We believe that it was this pressing need which lies at the root of some otherwise puzzling anomalies. The Government had committed

[44] Official Report, 3 April 1982, col 637.
[45] *ibid*, col 633.
[46] *ibid*, col 668, emphasis added.
[47] Richard Luce and Humphrey Atkins.
[48] Official Report, 7 April 1982, cols 960–1.
[49] *ibid*, col 1043.
[50] *ibid*, col 1050, emphasis added.

thousands of men and a large part of the Royal Navy not just to retake the Falklands but also to protect and secure the life of the Administration.



3. Diplomacy or Military Escalation?

Southward bound

3.1 As the Task Force proceeded southwards, so Secretary of State Haig shuttled between Washington, London and Buenos Aires in an attempt to avoid armed conflict. His terms of reference as official United States mediator came from the National Security Council of the United States, who viewed the problem not only as that of armed aggression but also as a long-standing disagreement over sovereignty. Inevitably, therefore, any withdrawal of Argentine forces in accordance with Resolution 502 would require some element of interim administration, and not reversion to full British administration, which was a clear intention of the British Government.[51]

3.2 The UK Government stated that acknowledgment of Argentine claims in a tangible form would be a change gained by use of force, and that could not be tolerated by the Westerm alliance. To do so would be to follow the road of appeasement that preceded the Second World War, and give the green light to military adventures elsewhere.

3.3 Although there was more than one way in which aggression could be shown not to pay, the Prime Minister had a very clear objective, restoration of British administration at the "earliest possible moment".[52] This objective ignored the role that limited force, or even its threat, could play in obtaining a negotiated settlement that could simultaneously maintain the principle that force should not pay, pave the way to the long-term solution, and satisfy parliamentary and public opinion in the United Kingdom. In our view there would most probably have been majority support in the House of Commons for a skilful combination of economic, diplomatic and military measures.

3.4 As early as 3 April, in his speech to the House of Commons in the post-invasion debate, Mr John Nott stated:

> "We intend to solve the problem, and we shall try to solve it continuingly by diplomatic means, but if that fails, *and it will probably do so*, we shall have no choice but to press forward with our plans . . . to act as circumstances demand."[53]

By contrast, the speech of Mr Pym the following Wednesday 7 April, his first as Foreign Secretary, emphasised the wide range of diplomatic activity now open to the United Kingdom, the role of the United Nations Security Council, our right of self-defence under its Charter and the importance of the Task Force which "gives us strength from which to urge a settlement".[54]

3.5 Quotations in Section 2 illustrate the differences of approach within the British Cabinet which Alexander Haig observed in the course of his shuttle diplomacy.

He wrote:

> "In these early hours of the crisis it was evident that Mrs Thatcher, though she was strongly backed by Nott and also by Admiral Lewin, did not enjoy the full support of other members of her Government. In the days that followed, other doubts surfaced."[55]

The three "prongs" of Government policy—military, economic and diplomatic—had been advertised. How were they to be co-ordinated, and would one or other become dominant?

3.6 Whilst the Task Force approached Ascension Island and the Haig shuttle continued, there was no need to act on either of the strategies perceived within official Government statements. However, after its departure from Ascension for the South Atlantic, ie after 17 April, more specific orders for the Task Force would be required, if only in respect of response to Argentine reconnaissance aircraft.[56] From the very first the principle of political control over military activity had been both pressed on the Government and accepted by them. This was on the assumption that the political

[51] Haig, *Caveat*, p 271.
[52] Official Report, 7 April 1982.
[53] *Ibid*, 3 April 1982, col 668, emphasis added.
[54] Col 950.
[55] *Op cit*, p 273.
[56] Q455.

purpose was indeed to gain a negotiated settlement with minimum use of force, an assumption whose validity we now question.

3.7 The way to achieve this political purpose was raised in the debate on 7 April by former Prime Minister, Foreign Secretary, Admiralty spokesman and wartime naval officer James Callaghan. After suggesting that the exacting task of "interlocking diplomacy and preparations for possible war" should be entrusted to a member of the Government brought in for the purpose and unencumbered by other responsibilities, he said:

> "The Government must give us and the fleet a clear lead on these issues and on the limitations of the fleet's orders. The Navy must be empowered to use the minimum force".[57]

In reply, the Secretary of State for Defence said:

> "I am wholly in agreement with him that our naval forces must have the clearest information and knowledge and very specific Rules of Engagement."[58]

3.8 Thus from the very early stage in the confrontation the importance of Rules of Engagement had been raised and acknowledged. Mr Callaghan's reference to the need to "interlock" diplomacy with the presence and potential of the Task Force and to the disirability of using minimum force reflected the widespread view and hope that the Task Force would indeed be used in this manner. His suggestion that an experienced member should be added to the War Cabinet would clearly have assisted the delicate process of co-ordinating diplomatic and defence measures and at the same time enhanced parliamentary confidence, but there was little chance that the Prime Minister would be willing to accept such a proposal.

The Rules of Engagement and the Mandarins Committee

3.9 The Committee received full descriptions of the need for, and purpose of, Rules of Engagement from both Admiral Lewin[59] and Sir John Nott.[60] All armed forces in sensitive roles are issued with standing orders which authorise them to take action under certain circumstances. The usual form of these orders is a reference book to which subsequent orders refer. However, in order to avoid the technicalities and to speed political decision-making, the War Cabinet established a small committee under the chairmanship of the Secretary to the Cabinet which prepared material for the War Cabinet itself.[61]

3.10 The members of this committee, familiarly known as the Mandarins Committee, were the respective Permanent Under-Secretaries of members of the War Cabinet. They received notice from Admiral Lewin, Chief of the Defence Staff, of requests from the services for changes in the Rules of Engagement. They then consulted their own staffs before briefing their respective Ministers for the meeting of the War Cabinet that considered the formal request. The Committee was told by Admiral Lewin that every change to a Rule of Engagement was approved by the War Cabinet.[62]

3.11 We can understand the purpose of such predigestion of technical material prior to a meeting of the War Cabinet. But it also carried other advantages. Overnight notice of a request for a change of Rule provided time for consequences to be weighed and for members of the War Cabinet to be advised by their own Departments, so that varying aspects could be taken into account prior to decision. Operating in this way, the War Cabinet could more effectively exercise its collective responsibility.

3.12 The usual source of military advice for the War Cabinet was the Chief of the Defence Staff, Admiral Sir Terence (now Lord) Lewin. In evidence he outlined the arrangements under which he usually spoke for all the services, although on occasion he took other Chiefs of Staff to meetings of the War Cabinet.[63] His pivotal position was

[57] Official Report, 7 April 1982, col 975.
[58] *ibid.* col 1047.
[59] Q465.
[60] QQ604–608.
[61] Q465.
[62] Q466.
[63] Q439.

enhanced by his insistence that he alone was the link with the Task Force Commander, Admiral Fieldhouse, a tri-service commander, and that service links with Admiral Fieldhouse were via that Admiral's deputies. He told the Committee this meant that "if Ministers took a decision, then I would translate that into an objective and pass it on to Northwood."[64] Thus not only was he the military representative of the War Cabinet, but as its sole military adviser he must also have participated in its making of decisions.

3.13 Whatever the merits of this structure of military advice, a great weight of responsibility was placed on a single individual, and great reliance on his judgement. Coupled with the mechanism of the Mandarins Committee, and the full attendance of Ministers at a War Cabinet, the structure might strike the right balance between the competing needs of consultation and swift decision. However, if either the Mandarins Committee is not involved or some War Cabinet members are absent, then the mechanism is weakened. We know the Foreign Secretary was absent from some of the meetings of the War Cabinet, and he made it clear that he did not expect to be consulted on the decisions taken at those meetings. In particular, he mentioned his visits to the United States. He was absent from the meeting on 2 May which decided to sink the *Belgrano*.

3.14 The Rules of Engagement themselves reflect the significance of military activities in relation to the overall political objective. As Opposition spokesmen pointed out time and again, they could hardly oppose the despatch of a naval task force as a response to aggression from a military dictatorship; but they had firm views on how it was to be used. The Rules of Engagement were thus an expression of political intent.

3.15 There appeared to be two schools of thought within the War Cabinet, although only one policy was being actively publicised. The first was the Government's urge to re-occupy the Falklands and re-establish UK administration at "the earliest possible moment"; the other was to use the combined forces of diplomacy, international institutions, economic sanctions and threat of force to gain a negotiated settlement that would both demonstrate that aggression did not pay and provide a basis for a long-term solution. Until the Task Force arrived in the South Atlantic and recaptured South Georgia the two objectives, ultimately mutually exclusive, could be sustained in tandem, at least in public; but from Ascension Island on further action "as circumstances demand" would require different Rules of Engagement for different policies.

3.16 It is thus clearly possible that the reluctance of HM Government to reveal the reasons for, and changes in, the Rules of Engagement in the Falklands conflict—indeed, their efforts to mislead in this respect detailed in Section 7 below—were designed at least as much to hide the decisions which were being made as to safeguard national security.

3.17 The period covering the last few days of April shows a marked change in the tempo of events as the Task Force reached the South Atlantic. The main events are as follows:

Wednesday 21	Mr Pym's statement concerning his visit to Washington.
Thursday 22	Mr Pym to Washington
Friday 23	Mr Pym in Washington; told of Haig's final draft proposal.
	UK Government issues further warnings to Argentina via the Swiss and the UN—the claimed basis of the sinking of the *Belgrano*.
Sunday 25	Recapture of South Georgia.
Monday 26	Prime Minister's South Georgia statement to the House of Commons, incorporating a report on Mr Pym's visit to Washington.
	UN Secretary-General reminds UK that Resolution 502 applies to UK too.

[64] Q439.

Tuesday 27	Haig sends memorandum to UK and Argentine Governments.
Thursday 29	Debate in House of Commons: Opposition request for Pym to go to UN.
	Haig indicates UK ready to consider his proposal, but Argentina ask for changes.
	US Senate passes Resolution 382 favouring UK, and President announces economic sanctions.
Friday 30	War Cabinet changes Rules of Engagement to permit attack on *Veintecinco de Mayo* only.

3.18 It had been Mr John Nott who had used the phrase "as circumstances demand" in his closing speech to the House of Commons on Saturday 3 April; he then also said that if diplomacy failed we "shall have no choice but to press forward with our plans, retaining secrecy where necessary, and flexibility to act as circumstances demand". We have examined this statement in detail, and believe that each phrase in that passage became important in the decisions and actions of the War Cabinet during the week 22–29 April.

(i) What were the plans? When were they made? Who made them? When were they to be implemented, bearing in mind that the main army forces, with the *Canberra*, were some weeks behind the naval Task Force?

(ii) We understand that secrecy was necessary for military operations, but that would not justify other information being denied to the House of Commons or the public.

(iii) What did he mean by "flexibility"?

Mr Pym changes course

3.19 On Tuesday 20 April, during Prime Minister's Questions, Mrs Thatcher had indicated that Mr Pym would go to Washington later that week in order to confer with Mr Haig over offers from the Argentine, and also to put forward proposals of our own. She said that the Argentine proposals fell short of what the United Kingdom could accept; reiterated the paramountcy of the Islanders' wishes; and, although referring to Resolution 502, dismissed suggestions from Mr Dennis Healey on the role of the United Nations, from which he had just returned. Leader of the Opposition Mr Michael Foot expressed concern over the need for United Kingdom action to conform to the UN Charter, and asked for a commitment to a report from Mr Pym on his return.[65] The House did not receive one. By the time Mr Pym returned, South Georgia had been recaptured, and the Prime Minister incorporated a brief reference to his mission in her statement to the House of Commons on Monday 26 April. In a reply that Tuesday 20 April to a question suggesting that most Members would give full support to a "diplomatic solution", the Prime Minister said:

> "We remain committed to seeking a diplomatic solution if an acceptable one can possibly be found."[66]

3.20 It was in the context of these exchanges that Mr Pym stated his intentions the next day, Wednesday 21 April, in a formal statement to the House of Commons. Whilst in no way minimising the problems to be solved, Mr Pym, like Mr Healey, emphasised the international aspects of the problem and the support received from EEC members. Former Foreign Secretary Dr David Owen and others saw future scope in possible United States economic sanctions; several Members, fearful of escalation outside the terms of the UN Charter or Resolution 502, emphasised the role of the United Nations, and Mr Healey once again expressed the hope that any interim solution under the auspices of Mr Haig would not prejudice a permanent settlement.[67]

[65] Official Report, 20 April 1982, cols 119–120.
[66] *ibid.* col 120.
[67] Official Report, 21 April, cols 271–280.

3.21 One of the most interesting replies came some time after the statement was concluded and other business had started. During questions Mr Dick Douglas, Member for Dunfermline, had pointed out that, whilst the people of Britain were behind Mr Pym's actions "so far", they would not condone killing on either side until all alternatives, including economic sanctions by the United States, had been exhausted. He asked whether this could be put to President Reagan. In reply Mr Pym recalled that in fact there had been occasions when it had been necessary to take military action to uphold liberty, but he added:

> "Nobody wants this to happen, but we cannot exclude this possibility. But I will exclude it as long as negotiations are in play."[68]

3.22 Later he retured to the House and interrupted other business in order to make a short statement in clarification of his reply that "has not yet emerged from the *Hansard* typewriters". He did not wish to give the wrong impression:

> "I think that I made it clear throughout the exchanges that, however hard I was trying to achieve a peaceful settlement, the use of force could not at any stage be ruled out. If there was any misunderstanding, I want to clear it up."[69]

In our view, Mr Pym's reply to Mr Douglas coincided with the views of most Members who had questioned him that afternoon. They did not want to use force and would condone it only if all else had been seen clearly to fail. However, some other person, or persons, clearly saw force being used some time *before* that position had been reached, and thought it important enough for Mr Pym to go back to the House to say so. Mr Pym obliged gracefully, but without changing his pesonal declared preference.

The recapture of South Georgia

3.23 Lord Lewin's account to Gavshon and Rice[70] of how the War Cabinet came to authorise the mid-April retaking of South Georgia provided its own evidence of the way a confident military establishment was able to impose its will on an uneasy and reluctant political hierarchy. "We just about got the War Cabinet to agree that we should repossess South Georgia on the way down", he told his interviewers. "There was quite a lot of opposition to that. They (the Ministers) thought that would take the eye from the main ball, that we could get bogged down or go wrong and absorb more forces . . . quite a strong body wanted to leave it on one side. But John Fieldhouse and I were quite keen to have a go because we thought we could do it and also felt we needed a success. We hadn't had many successes politically. We also needed a success militarily to get Ministers to believe in what we could do because a lot of my job was trying to give the Cabinet confidence that the Services could deliver what they said they could deliver because we hadn't had a war for a long time . . . We got them to agree to South Georgia and it was fine . . ."

3.24 We think the doubts felt by some members of the War Cabinet were well justified. If this operation had resulted in the sinking of the submarine *Santa Fe* with all hands in the offshore waters of South Georgia, as it might well have done, then history would have been very different. At that time Mr Haig had not even placed his final proposals before either party, and thus the outcome might well have been judged as a breach of the spirit of Article 51.

3.25 As it was, the *Santa Fe* was caught inside the harbour at Grytviken and the operation was accomplished with only one fatality. However, concluding her statement on the recapture of South Georgia in the Commons on Monday 26 April, the Prime Minister said:

> "The attack on the Argentine submarine in no way alters the Government's determination to do everything possible to achieve a negotiated solution to the present crisis. We seek the implementation of the Security Council Resolution and we seek it by peaceful means if possible."[71]

On the face of it that sounded like a reassuring sentiment to those who feared escalation of military activity but the Prime Minister's report of Mr Pym's much-heralded visit to

[68] Official Report, 21 April 1982, col 278.
[69] *ibid.* col 280.
[70] London Review of Books, June 1985.
[71] *ibid.* col 610.

Mr Haig and to the United Nations the previous week was confined to only five lines. Michael Foot, whilst welcoming the skill with which the South Georgia operation had been conducted, spoke of the "deepening sense of anxiety throughout the country", and, emphasising the need for a peaceful settlement, asked:

> "What is the form of political control over military operations? In present circumstances that political power must be absolute and there must be no possibility of any mistakes whatever."[72]

3.26 Events relating to the recapture of South Georgia have received very little attention. Recapture was acceptable to a wide range of national and international opinion—indeed it was almost a textbook example of minimum use of force, and widely welcomed as such. However, this was due to a combination of chance and military skill and not planning by the Government.

3.27 There were widespread fears in the House of Commons that military arguments would overwhelm political and diplomatic caution, and would precipitate action which was incompatible with the UN Charter and Resolution 502 and would ruin the chances of negotiating a settlement. Only by this means could one avoid the enormous risk to British and Argentinian lives and solve a vexing problem that had been around for too long. The need for political control was paramount, but was effective political control actually being devoted to these ends?

The United Kingdom Warning of 23 April 1982

3.28 We do not believe that political decision making was devoted to these ends because of the nature, circumstances and outcome of the United Kingdom warning of 23 April, which was outlined in the description of United Nations involvement in paragraph 2.23 above. Initially the warning was sent on a unilateral basis from the United Kingdom Government to the Government of Argentina through the Swiss Embassy in Buenos Aires. After referring to the warning of 9 April, which established the Maritime Exclusion Zone, the new warning concluded:

> "In this connection, Her Majesty's Government now wishes to make clear that the approach on the part of Argentine warships, including submarines, naval auxiliaries, or naval aircraft which could amount to a threat to interfere with the mission of the British forces in the South Atlantic, will encounter the appropriate response. All Argentine aircraft engaging in surveillance of those British forces will be regarded as hostile and are liable to be dealt with accordingly."[73]

3.29 This statement was later used as part of the legal basis for sinking the *Belgrano*,[74] and indeed for any offensive action taken against any vessel outside territorial waters 12 miles off the Argentine coast. The warning was designed to cover "defensive action" by surface vessels against enemy threats outside the 200-mile zone. Lord Lewin carefully distinguished these surface vessels from nuclear submarines which, by virtue of their speed, could more easily evade attack,[75] and were less detectable, as *Conqueror*'s shadowing of *Belgrano* showed. As they were less liable to be attacked, how could the submarines, our most potent weapons, be used offensively within the terms and spirit of Article 51? The answer is in the wording of the warning, ie when Argentine ships or aircraft "could amount to a threat to interfere with the mission of the British forces in the South Atlantic".

3.30 Admiral Lewin gave further reasons for the warning. In evidence to the Committee he said:

> "We did not wish to prejudice negotiations by some unexpected action. So it was felt in the War Cabinet that we had to give a more explicit warning not only to the Argentinians but to the international community, so that if we *did* have to take action under Article 51, this would be pre-explained in rather more detail."[76]

[72] *ibid.* 26 April 1982, col 610.
[73] Appendix 5.
[74] *loc cit.*
[75] Q492.
[76] Q456.

3.31 We find this explanation difficult to understand for a number of reasons. First, it was *not* explicit, as the need for another letter dated 8 May and the Ministry of Defence Memorandum referring to the 12-mile limit show; secondly, whilst the warning was certainly delivered to the Argentine Government via the Swiss Embassy and sent to the Security Council by Sir Anthony Parsons in a letter dated 24 April 1982, becoming Security Council Document S. 14997, it did not gain much, if any, international coverage.

3.32 The warning was not announced, as was the establishment of the Maritime Exclusion Zone, on the floor of the House of Commons: a copy of the warning did not arrive in the Library of the House of Commons until 11 days after it was sent to Argentina, and only then as a document of the Security Council. It was sent to the Library with a covering letter from the Foreign Office dated 4 May, two days after the sinking of the *Belgrano*.

3.33 The Prime Minister did refer to the warning in the course of her statement to the House of Commons on the recapture of South Georgia. Speaking on Monday 26 April in the House of Commons she said:

> "The United Kingdom had already made it clear to Argentina that any approach on the part of the Argentine warships, including submarines, or military aircraft which could amount to a threat to interfere with the mission of British forces would encounter the appropriate response. The *Santa Fe* posed a significant threat to the successful completion of the operation and to British warships and forces launching the landing. Helicopters therefore engaged and disabled the Argentine submarine."[77]

3.34 We do not think that what appears to be the first ministerial reference to this important warning is either explicit or clear. Placed in a statement concerning the recapture of South Georgia its full import and significance could hardly be gauged. The Prime Minister mentioned the warning again three days later when opening the important debate on Thursday 29 April. After referring to the "measured and controlled" response of the United Kingdom, and the establishment of the Maritime Exclusion Zone on 12 April, the Prime Minister continued:

> "Eleven days later we warned the Argentine authorities that any approach by their warships or military aircraft which could amount to a threat to interfere with the mission of the British forces in the South Atlantic would encounter the appropriate response."[78]

She then referred to the minimum use of force used in the South Georgia operation and our rights of self-defence. Bearing in mind the importance that the Government itself placed on this warning, we do not believe that this reference was sufficiently explicit in the course of a wide ranging review of the whole scene.

3.35 A third opportunity for an explicit statement of the terms and significance of the warning came in the same debate. The Leader of the Opposition, Mr Michael Foot, in responding to the Prime Minister's opening speech, had noted the absence of any account of the reports we were making to the Security Council on measures taken in pursuit of the self-defence provisions of Article 51 of the UN Charter.

In winding up the debate Mr Pym replied:

> "He is right in saying that we have that obligation. We have done so scrupulously. Our permanent representative in New York has successively notified the President of the Security Council of our proclaiming of the Maritime Exclusion Zone, of our recovery of South Georgia, and more recently of our announcement of a Total Exclusion Zone to come into force tomorrow. In view of the Right Hon Gentleman's remarks, I have arranged for the text of these three notifications to be deposited in the Library of the House."[79]

3.36 In his reply Mr Pym had referred both to "measures" and "actions", the former being the establishment of the Maritime Exclusion and Total Exclusion Zones, the latter being the recapture of South Georgia. However, despite the fact that the full text of the

[77] Official Report, 26 April, col 609.
[78] Official Report, 29 April 1982, col 980.
[79] Official Report, 29 April 1982, col 1056.

warning of 23 April was sent to the Security Council on 24 April and became an official document,[80] it was neither referred to in his reply nor placed in the Library of the House of Commons, even though it had been submitted to the Argentine Government six days before. What legitimate reason could there be for such an omission?

3.37 We believe that the Government had their own reasons for their muted approach. If the text of this warning had been publicised in the same way as the original warning establishing the Exclusion Zones, or even if it had been published in the Official Report in answer to a written question, its text and implications would have been available for scrutiny and analysis for nearly a week before the debate of 29 April, and for a week before the escalation of military activity on Saturday 1 May. In that case the reasons for the warning, the use to which it was to be put, and the circumstances in which it was, or could be, compatible with Article 51 of the Charter would have been part of that debate.

3.38 Although some Members were reassured by the content and tone of that debate, it was marked by uncertainty as to the Government's intentions. Had the full terms of the warning of 23 April been known we believe that the debate would have been of a different character; thus Government blanketing of the warning certainly aided the impression of conciliation which was created by Government spokesmen, in particular by the Prime Minister. However, in their desire not to reveal their intentions, the Government had forwarded to General Galtieri in Buenos Aires and to the Security Council in New York contents of their own important statement, reputedly for the "international community" which even after a request they denied to the Leader of the Opposition and to Parliament.

Escalating the conflict

3.39 The warning of 23 April went well beyond previous cautions. That this was intended by the Government is demonstated by the fact that the warning was used initially as a basis for sinking the *Belgrano* and for the further clarification of 7 May which stated that: "Any Argentine warship or military aircraft which are found more than 12 nautical miles from the Argentine coast will be regarded as hostile".[81]

3.40 As will be seen later, doubts surfaced about the Government's intentions, particularly during the debate on 29 April, six days after the issue of the warning. Had its terms been made explicit before the debate, then we suggest that the debate would have been a very different one. The terms of the warning were controversial, since they could be regarded as being outside the acceptable criterion of self-defence.

3.41 Lord Lewin in evidence to the Committee made it clear that the reason for the warning was his desire to obtain new Rules of Engagement which:

> "allowed our ships to defend themselves against warships, aircraft and submarines who were intent on interfering with the mission of our forces by approaching it".

He had already told us that these points had been put to Ministers: "over quite a considable period (two or three days)".[82] So we may assume that there were some doubts inside the War Cabinet which took two or three days to resolve.

3.42 In an interview with Mr Arthur Gavshon in the early autumn of 1984, Lord Lewin explained further:

> "What I want to convey is the feeling in the War Cabinet, and certainly in the military, by April 25 and 26, that a negotiated settlement was not on. There was no way you were going to get an agreement which would keep both governments in power, and it was unthinkable that the Conservatives would settle for something that would mean they would be defeated in Parliament and would have to go to a general election."[83]

3.43 Reference was made to those statements during questions from Mr Ian Mikardo to Mr Michael Heseltine.[84] Mr Heseltine maintained that the fact that Mr Pym went

[80] S/14997.
[81] S/15058.
[82] Q455.
[83] *Guardian*, 2 October 1984.
[84] QQ110–111.

again to Washington on 1–2 May showed that the negotiating option was still being pursued and had not been abandoned. Nevertheless he stated:

> "We were at that stage committed to the alternative in the unhappy event we were not able to achieve a peaceful option. Both these courses *were being pursued* with vigour and you cannot indulge in a military exercise of the complexity of this one without giving it full professional support, so two processes *were at work*."[85]

He rejected the suggestion that Mr Pym's visit of 1–2 May was a "cosmetic exercise" and added that Mr Pym "was personally deeply committed to that approach and had the support of the full Cabinet". Whilst understanding Mr Heseltine's desire to present the case of the Government of which he was a Member of the Cabinet (but not of the War Cabinet) we cannot, for reasons set out in Section 5 below, accept this view of Mr Pym's visit.

3.44 In evidence Sir John Nott stated clearly that

> "virtually all the major difficulties and problems that arose were reconciling the three legs of economic, diplomatic, political and military pressure,[86] and that the end of the Haig shuttle marked the end of the first phase".[87]

Asked by Mr Mikardo if he agreed with Lord Lewin that "the War Cabinet had already abandoned the policy of 'minimum force necessary to get a diplomatic settlement' without overtly saying so",[88] Sir John replied that he "personally had not given up hope of a peaceful solution and I do not believe that other members, political members, of the War Cabinet had either". However, he agreed that, as it turned out, Lord Lewin had been right.

3.45 Further grounds for believing that an important decision was taken at this time are found in the Sethia diary. Whilst not formally presented in evidence to the Committee, its existence and broad accuracy have not been questioned. His entry for 25 April includes these words:

> "We had a reassuring signal saying it looks as though the diplomatic pontificating is now over and military intervention now seems inevitable."[89]

Lt Sethia's observation is connected with the War Cabinet's decision to escalate military action if the Haig initiative failed and to press ahead with the military solution with all its risks, rather than use the threat of doing so to back up further diplomacy. The War Cabinet made this decision despite the fact that Britain's main land force was still in mid-Atlantic, two to three weeks' sailing time away. That interval could certainly have been used for a further diplomatic initiative.

3.46 The time factor was discussed by Lord Lewin in an additional Paper, "Timing and the Falklands Crisis".[90] In it he emphasises that time was not on our side and "if there had to be military action to resolve the crisis, it should be commenced as soon as possible". He cites three main factors: the unproven equipment operating in heavy conditions so far from a dockyard; the need to complete any reoccupation by early July; and the arrival date of the amphibious force, which included the liners carrying troops. The latter, not often distinguished from the naval Task Force which left Portsmouth on Monday 5 April, left the United Kingdom much later and did not reach the Falklands until 18 May.

3.47 Thus apart from the probable need to land special forces, or engage in military activities integrated with diplomatic initiatives, military criteria would indicate that a pause in activity would be advantageous in order to minimise risk to the Task Force. Conversely, taking no action could result in a possible build-up of Argentine supplies on the Falklands by air or surface vessel, if submarine activity could not deter it. Lack of a clear-cut service opinion on this matter is shown by the view of Admiral Woodward as quoted in the House of Commons debate on 29 April:

[85] Emphasis added.
[86] Q580.
[87] Q581.
[88] Q582.
[89] Q582.
[90] Evidence, p 96.

> "I am not in any doubt that unless people say let's stop it will be a long and bloody campaign. And in my mind it is absolutely fundamental to try to avoid it. I do think that even at this late stage there is time for a diplomatic solution. I would be very distressed if I did not think that. There has to be a political wish to go on negotiating and that will entail our waiting in a ready posture, as ready as we can be, for quite a long period maybe."[91]

3.48 We conclude that although there was every reason for caution in the deployment of military force after the recapture of South Georgia, if only to allow the main amphibious force carrying troops to catch up with the naval Task Force, decisions appear to have been taken to escalate action immediately at the end of the Haig initiative, should it fail. We believe that the War Cabinet knew at the latest by the weekend of the 24–25 April that it would fail. Nonetheless, they had already previously decided to risk the men and ships of the naval Task Force at once, without attempting further diplomatic initiatives or responding to any that others might provide.

3.49 That our view was shared outside Parliament is instanced by a leading article in the *Financial Times* on 29 April 1982, which read in part as follows:

> "Above all, however, we continue to believe that the use of force on the scale now available would be supportable only if the last possibilities of a negotiated solution have been demonstrably exhausted. That is not the case at present. Even if the American mediation fails, the United Nations will remain . . . Argentina is grievously at fault. About that there is no question. But the best way to deal with national aggression is to seek a better international order. To strike back with superior national force would not necessarily advance the cause which the Government claims to support. We are not yet convinced that diplomacy is finished."

But for all practical purposes diplomacy was finished, for on the day of that leading article the War Cabinet decided to escalate military action.

4 Diplomacy Relegated

The Haig mediation

4.1 In the final draft Memorandum of Agreement produced by Secretary of State Haig on 27 April 1982, 10 main paragraphs provided for progressive withdrawal of forces, abandonment of sanctions and the nomination of persons from Argentina, the United Kingdom and the United States to form a "Special Interim Authority" while negotiations were set in train concerning the long-term status of the Islands. The Argentine Foreign Minister replied by a letter dated 29 April 1982[92] which was taken by General Haig as a rejection of his proposals.

4.2 On the same Thursday in the House of Commons the Prime Minister referred to the Haig memorandum and stressed that it was an official American proposal, but she would make no commitment. She again expressed the hope that a negotiated settlement would be possible, but suggested that it would be a dangerous bluff to send the Task Force and then not be prepared to use it:

> "British servicemen and ships would be exposed to hostile action. Argentina would doubt our determination and sense of purpose. The diplomatic pressure would be undermined. Is it really suggested that to use our Task Force in self-defence for the recapture of British territory is not a proper use of force?"[93]

We believe that question to be over-simplistic. The answer could vary with circumstances and timing, and both were moving in favour of the United Kingdom.

4.3 In considering the prospect of a United Nations initiative the Prime Minister suggested that if Mr Haig could not pull off a settlement the Secretary-General could not either. Nevertheless, Sir Anthony Parsons had contingency contact with Sr Perez de Cuellar, who would wish to make informal enquiries as to mutual acceptability of any proposals before advancing them formally. On a more hopeful note she stated that if either the Secretary-General or the Foreign Secretary thought that:

[91] Official Report, 29 April, col 991.
[92] General Alexander M Haig, Jr, *Caveat*, p 293.
[93] Official Report, 29 April 1982, col 982.

> "a meeting between the two of them would be likely to assist in achieving an acceptable solution, then I say to the House that my Rt Hon Friend would of course go to New York straight away".[94]

4.4 A considerable portion of her speech had been devoted to the formal Haig memorandum, just received but not published, and the potential of the United Nations and the possible contribution of its Secretary-General Sr Perez de Cuellar. Many Members who spoke followed these themes, the Prime Minister's speech being well received in some unexpected quarters. Referring to a more emotional reply to a Question the previous Tuesday, Mr Healey said the Prime Minister:

> "was in some danger of boxing herself in through the careless use of rhetoric. She led some people to believe that she might be tempted to use force, not as an instrument of negotiation but as a substitute for negotiation. Her speech this afternoon did much to set those fears at rest".[95]

4.5 Mr Healey's reaction was understandable at the time and was shared by many, but not all, of his colleagues, but with the benefit of hindsight it is clear that it was the sceptics who were right. We now know that the War Cabinet approved significant escalation the next day and had probably been planning military initiatives for some time. Admiral Lewin made it clear that the War Cabinet had prior knowledge of the Haig memorandum:

> "Mr Haig had put his own proposals . . . and they had been considered by the War Cabinet. The War Cabinet had with great reluctance agreed that he should put them to Galtieri, but without commitment of the British Government. Those proposals would indeed I think have been very difficult for the War Cabinet or the British Government of all parties to accept".[96]

4.6 In any event the Prime Minister must have known that those proposals would be torpedoed by the next military steps then being planned by the War Cabinet. General Haig has recounted[97] one instance of diplomatic negotiations being blown up by military action. He writes:

> "Once again we had a reasonable alternative to useless bloodshed, and once again its fate was in the hands of the Argentinians. Costa Mendez . . . had told me that the Argentinians would withdraw from negotiations should the British attack South Georgia . . . On April 25, the day Costa Mendez had planned a meeting to discuss the American proposals, British forces invaded South Georgia. Costa Mendez phoned me to cancel the meeting".

4.7 It was clear that any visit of Mr Pym to New York, or any initiative of the Secretary-General, was likely to be similarly vitiated by the next military steps then being planned by the War Cabinet. In view of the position in which this then placed the Foreign Secretary, we can conclude only that Mr Healey's interpretation of the Prime Minister's speech was the reverse of the real state of affairs, and that the reassuring element in that speech was designed to mask her decision, that had already been taken, to escalate military action.

The United States "tilt" towards the UK

4.8 The word "tilt", commonly used to describe the change in the formal attitude of the United States, might not be the best word to describe what on any account must be regarded as a major reverse for the Argentine which could have given HMG a strong bargaining position in a further diplomatic initiative.

4.9 Senate Resolution 382 of 29 April 1982 was adopted after a short debate by 79 votes to 1. After preliminary clauses rehearsing events and historic links with the UK, its main content read:

> "*Resolved:* that the United States cannot stand neutral with regard to implementation of UN Security Council Resolution 502 and recognises the right of the United Kingdom and all other nations to the right of self-defence under the United

[94] *Ibid* col 983.
[95] *Ibid* col 1046.
[96] Q485.
[97] *Caveat*, pp 290–1.

Nations Charter, should therefore prepare, through consultations with Congress, to further all efforts pursuant to Security Council Resolution 502, to achieve full withdrawal of Argentine forces from the Falkland Islands."

4.10 On Friday 30 April Secretary of State Haig issued a formal statement. In it he summarised his efforts at mediation, identifying the key sticking-point on each side—sovereignty and the views of the inhabitants. Pointing out that the United States had thus far refrained from taking action that could have interfered with his role as mediator he stated:

"We must take concrete steps to underscore that the United States cannot and will not condone the use of unlawful force to resolve disputes."

He then outlined a number of economic sanctions to be authorised by the President against Argentina and "material support for British forces". He concluded on a note that had marked his approach from the start:

"A strictly military outcome cannot endure over time. In the end there will have to be a negotiated outcome acceptable to the interested parties. Otherwise, we will all face unending hostility and insecurity in the South Atlantic."

In London, on the same Friday, plans for a "strictly military" outcome were going ahead, though not without dissent.

The War Cabinet of 30 April

4.11 The Committee have taken evidence on only two known meetings of the War Cabinet. These meetings took place on Friday 30 April and Sunday 2 May 1982. They authorised crucial changes in the Rules of Engagement, changes which Ministers did their utmost to hide from the Committee, and thus from the House of Commons and the nation.

4.12 The main change agreed on Friday 30 April concerned the ex-British aircraft carrier re-named *Veintecinco de Mayo* which was regarded as a unique threat to the Task Force by virtue of its being a sea-going air base. It was at this meeting at the latest that the military offensives against the Falklands must have been authorised. Lord Lewin described the need for a change in the Rules of Engagement[98], and implied that it had been agreed with some reluctance:

"After considerable discussion over a number of days and as the threat got stronger as we got closer, Ministers agreed that this was a threat that they could no longer ignore and gave approval for the carrier to be attacked if it was detected by a nuclear submarine."[99]

4.13 We were not surprised to hear of the reluctance of some Ministers to make a military strike that could cause political embarrassment. Lord Lewin told the Committee:

"Ministers could reassure themselves that the military were not going to attack the carrier in some embarrassing position just outside its own front door."[100]

It is clear from this passage that Ministers recognised that political embarrassment could result from the sinking of a warship in certain locations; but that recognition was not applied to the *Belgrano* because by that time all political considerations were overlaid by the urge to military escalation.

4.14 Further light on the imbalance between military and political considerations was thrown by Lord Lewin when he was asked about the further extension of the Rules of Engagement to permit submarine attacks to take place outside the Exclusion Zone on vessels other than the *Veintecinco de Mayo* and in particular the political constraints on such action. He replied:

"The constraint was that although our intelligence appreciation was that the Argentines intended to attack our ships as they got closer to the Falklands we had no confirmation of this and Ministers were very reluctant to authorise too overt a

[98] Q462.
[99] Q462.
[100] Q462.

military action on our part *until the Argentine intention, which we were pretty sure of, had been demonstrated.*"[101]

4.15 Although touching on events 48 hours ahead, we do not think that Lord Lewin was here referring to intelligence material that was first discussed at the Chequers meeting on Sunday 2 May. It is clear from his account that discussions on freedom of action for the submarines had been going on for some time, as had discussions on the warning of 23 April. Given the political decision to proceed rather than pause, he was bound to advise accordingly. But when was the decision taken to proceed, by whom, on what grounds, and by what methods?

4.16 The importance of these questions was highlighted by the evidence given by Sir John Nott. In answer to a question relating to international opinion[102] he stated that as Secretary of State for Defence his duty was to protect his ships and men:

"There clearly was an inherent conflict between the protection of our own Task Force and the opportunities that might develop for further peaceful negotiations."

4.17 Of course that is right. The best course for avoiding death and injury to our servicemen would have been the pursuit of diplomatic action. Conversely, the escalation of military action, including the dramatic escalation represented by the sinking of the *Belgrano*, was the direct cause of the loss of life and limb by our servicemen arising out of the retaliatory attacks, including that on *Sheffield*. We note that before the sinking of the *Belgrano* not a single British life was lost by enemy action.

4.18 There is a missing perspective from the War Cabinet meeting of 30 April. If the three-prong approach was being pursued by the War Cabinet in a balanced manner, then some consideration should have been given to the significance of the United States declaration of support, and particularly to its economic and military impact on the Junta and on the political balance of power within ruling circles in Argentina. No evidence has been given on these matters, and our efforts to get it were frustrated.[103] International opinion on that Friday was flowing very strongly in Britain's favour. Whilst the Haig mediation had apparently failed it could have pointed the way for future efforts, particularly from the Secretary-General of the United Nations, an experienced and highly respected South American academic and diplomat. Even limited military activity, tailored to the situation, could have helped, since all three prongs had become longer and stronger overnight.

4.19 When asked if the change in United States policy was discussed at the Friday War Cabinet, Lord Lewin stated it was not.[104] He saw the purpose of Mr Pym's visit to New York solely in terms of explaining the British position "before we got to another level of military action". From this we can conclude that, contrary to the conciliatory and constructive content and tone of the Prime Minister's Commons speech of less than 24 hours previously, only the military prong was being considered, with objectives and a timetable set some time previously.

4.20 The military-prong-foremost attitude continued right through to the end of Mr Pym's visit to the United States. After their meetings, General Haig telephoned Mr Pym who, however, left the Ambassador to take the call from the Secretary of State. The Ambassador subsequently telegraphed reports to the Foreign Office of the discussions of that day. The Committee has been denied the full text of the telegram on what appears to us to be the transparently specious, indeed laughable, excuse that though it contains nothing whatever to do with security considerations it happened to be bound in the same folder as some documents which *were* security-sensitive. Nevertheless, we have reason to believe that during those discussions the Secretary of State sounded out what might be HM Government's reaction to giving a few days to one more attempt at negotiation, with a temporary ceasefire for that period, but was told that the War Cabinet would not do anything that might lessen their potential for military action. What the Secretary of State could not know was that the decisions on military action which would effectively rule out negotiations for a diplomatic solution had already been taken. Thus did the War

[101] Q464, emphasis added.
[102] Q586.
[103] Minutes of Proceedings for 16 and 23 January and 20 March 1985.
[104] Q484.

Cabinet turn its back on the Churchill doctrine that jaw jaw is better than war war, and thus was the door finally slammed on any prospect of settling the conflict without the loss of many hundreds of British and Argentinian lives.

The Pym memorandum

4.21 In the wind-up speeches in the debate of Thursday 29 April the question of another visit by Mr Pym to Washington and New York was raised by Opposition spokesmen. Pressed in its closing stages, Mr Pym reiterated the Prime Minister's earlier statement that if he came to the conclusion that it would be helpful he would go.[105] Concluding his speech he hoped that Argentina would accept the Haig memorandum, but stated that:

> "if Argentina will not accept a negotiated solution then reluctantly, and with the greatest possible restraint, we must use force. But we shall not relax for a moment in our efforts for a peaceful solution".[106]

The Committee have little doubt that Mr Pym was speaking for himself and his departmental colleagues, but we cannot accept that this view was shared by a majority of the War Cabinet.

4.22 Before leaving for Washington and New York on Saturday 1 May the Foreign Secretary wrote a Memorandum which we can only interpret as a note of dissent from the War Cabinet's decision of the previous day to change the Rules of Engagement to permit an attack on the *Veintecinco de Mayo*. The first public indication of the existence of this Memorandum was given in paragraph 7 of the Annex to the Prime Minister's letter of 19 September 1984 to Mr George Foulkes, MP. A version was published in *The Observer* of 25 February 1985, and yet another version in Peter Greig's article in *Granta 15*. The text of this last version is as follows:

> "Attack on Argentine aircraft carrier
>
> 1. Following our decision . . . yesterday to authorise an attack without warning on the Argentine aircraft carrier outside our Exclusion Zone, I have been giving a further thought to the line we should take in public after the event.
>
> 2. After discussion with the Attorney General about the way in which our action would have to be publicly justified and its legality defended, I believe our position would be immeasurably strengthened if we had given a warning to the Argentine government, requiring the aircraft carrier to stay within the narrow zone we discussed yesterday, or within territorial waters south of about 41 degrees South.
>
> 3. I attach a draft of a possible warning message which we could ask the Swiss to convey urgently to the Argentine government. This in no way alters the substance of the decision we took yesterday. But I believe it would greatly strengthen our hand in dealing with criticism at home and abroad once an attack on the carrier had been carried out."

The text of Mr Pym's Memorandum, suggests that the United Kingdom's position would be "immeasurably strengthened" in the event of the sinking of the aircraft carrier "if we had given a warning to the Argentine government" to restrict the movements of the carrier to territorial waters. The wording suggests that this proposal had been discussed, and had not been adopted, at the War Cabinet meeting of 30 April. In rejecting this dissent, the War Cabinet were putting Mr Pym into an unfair position by sending him to Washington for discussions which they knew were likely to be torpedoed.

4.23 The Committee asked the Foreign and Commonwealth Office for a copy of the Pym Memorandum, but were told that as the document concerned was among the documents made available to the Committee at the Ministry of Defence on 6 and 12 March 1985 they could not be sent to us.[107] For the reasons set out in paragraph 4.20 above we find this view both unacceptable and untenable. We believe that the version quoted above shows (and publication of the full text would show) that alternative methods of achieving their aims were available to the Government, but were rejected.

[105] Official Report, col 1055.
[106] *ibid.* col 1054.
[107] Appendix 20.

5. The Crucial Weekend: What Happened

Military action, Saturday 1 May

5.1 Leaving aside the constraints or requirements of diplomacy, there were clearly a number of desirable military objectives for the Task Force. They included:

(i) disabling airfields to prevent further supplies and reinforcements being flown in, and so prevent their being used by aircraft to attack or reconnoitre the Task Force;

(ii) destruction or damage to defence installations;

(iii) landing or re-supply of special forces; and

(iv) simulated landings for psychological tactical purposes.

5.2 Lord Lewin very clearly spelt out the two objectives of Admiral Woodward "now he had arrived", and made it clear that he had been told to undertake them.[108]

(i) He had to enforce the Total Exclusion Zone by stopping or sinking ships, shooting down planes approaching the airfield, and to put the airfield out of action.

(ii) "Because of the state of negotiations" he had to prepare for a landing with a view to re-possession. To do this he had to land and re-supply special forces.[109]

5.3 According to Lord Lewin, Admiral Woodward "could not do either of these jobs" if the Argentine fleet was at sea, particularly if he did not know where they were. He claimed that since some of our ships had been attacked by air on 1 May the Argentine "were in a position to interfere with Woodward's ability to carry out his mission". This, claimed Lord Lewin, was a transgression of the warning of 23 April, which specifically mentioned the mission of the Task Force.

5.4 On 1 May British attacks started early, the Vulcan dropping its bombs as early as 4.23 am (local time). Ships shelled installations, Harriers attacked the airfield, and the carrier group "made a major demonstration of force, simulating an amphibious landing off Port Stanley".[110] Some Argentine attacks failed through re-fuelling problems in the air, and lack of wind and speed for the *Veintecinco de Mayo*. Other aircraft got through, attacking *Glamorgan* and *Arrow*.[111] Three were shot down.

5.5 Lord Lewin, quoting the work of Dr Robert Scheina, agreed that the earlier British attacks had probably provoked the Argentine response.[112] Mr Desmond Rice, when asked about Argentine strategy,[113] explained that the numerical odds were so much against them at sea that the Argentinians were waiting for the British to attempt a landing, and would then attack when they were at their most vulnerable. This accords with reported statements about the recall signals put out later in the day, when it was found that the suspected landings were feints.

5.6 It was possible that the attacks on the Falklands by the Task Force could have encouraged Argentine military circles to re-assess their policy and become more responsive to any further diplomatic approach. Such a trend might well be reinforced by the news of the declaration of support for the UK by the USA on the day before, Friday 30 April, and the failure of three counter-attacks on 1 May. Had British plans or actions been confined to these attacks, it is conceivable that they could have been represented as military actions in support of diplomatic pressure. However the Rules of Engagement had already been changed to permit a submarine attack on the *Veintecinco de Mayo*, and were about to be changed to permit an attack on the *Belgrano*. Whilst there were clear military grounds for an attack on the *Veintecinco de Mayo*, we were unable to detect from the evidence of Admiral Lewin any grounds for the sinking of the *Belgrano* other than the generalised contention that any Argentine ship in the Atlantic outside the 12-mile limit was a threat to the mission of the Task Force.

[108] Q511.
[109] Q572.
[110] The Falklands Campaign. The Lessons (Cmnd 8758).
[111] Q512 and written evidence.
[112] Q502.
[113] Q170.

The Peruvian peace initiative

5.7 Various strands of evidence relate to the genesis of the Peruvian peace proposal. In oral evidence Mr Desmond Rice claimed that conversations started as early as the evening of Friday 30 April between Dr Arias Stella, Peruvian Foreign Minister, and the American Ambassador in Lima.[114] A further detailed account of the main initiative is contained in the book *The Sinking of the Belgrano* by Gavshon and Rice. Concerned by the turn of events after the breakdown of the Haig mediation, President Belaunde contacted Mr Haig through his Ambassador in Washington, and asked if he could help. Using their respective knowledge of the United Kingdom and Argentina, they produced a seven-point plan, which was a revised version of the Haig formula. It avoided the sovereignty issue, and changed the "wishes" of the Islanders to "viewpoints and interests". Instead of a three-nation commission, there would be a four-nation contact group, who would also be responsible for interim administration.

5.8 Reading the transcripts[115] of some of the night's telephone calls which were aimed at producing a package that might be acceptable to both parties, one can understand the sense of urgency and hope that the opportunity inspired. In the circumstances, the account of preparations for a signing ceremony in Lima are credible, as are those relating to a favourable reception in Buenos Aires, and the press reports that were widespread that Sunday evening. Although in retrospect an optimistic assumption, the view that what was acceptable to Mr Haig would be acceptable to the United Kingdom was reasonable. So was the view that on the Sunday morning Mr Pym would be on the line to Chequers as Mr Haig was to Lima. Mr Haig is reported to have said: "We think we had a formulation that provided hope that a settlement could be reached."[116] Latin American hopes, too, might well have been encouraged by the tone and content of the Thursday 29 April debate in the House of Commons, key parts of which would no doubt have been studied with care. At the time the seven-point plan was in the making, nobody directly concerned could know of the War Cabinet's decisions.

5.9 In view of the role alleged to have been played by the then British Ambassador to Lima, Mr Charles Wallace, the Committee invited him to give evidence. He confirmed the statement in the Foreign Office memorandum that although he had almost daily contact with the Peruvian Foreign Secretary, Dr Arias Stella, throughout the crisis, he had no communication with him concering the Peruvian plan, and first heard of it on his car radio shortly after 1800 hours Lima time on Sunday 2 May.[117] He was told of the proposals in detail by Dr Arias Stella himself after 18.30, went back immediately to the Embassy, and reported to London, where his telegram arrived at 01.30 GMT on 3 May.

5.10 Mr Wallace stated that he was not told of the plan until some three and a half hours after the sinking of the *Belgrano*.[118] Dr Arias Stella was under the impression that Mr Pym had received the seven points from Mr Haig some time earlier that day. Mr Wallace thought that additionally they were being passed to him formally as the United Kingdom representative.[119] From his evidence, it is clear that Mr Wallace had no knowledge of the seven-point Peruvian plan, or any other proposals, prior to his hearing something on his car radio en route to receiving them formally. However, we believe that his visit to the Peruvian Foreign Office the previous day was of significance. Initially, he told the Committee he had gone to see the Deputy Foreign Secretary to explain British policy and purpose concerning the Exclusion Zone and the bombing of the runway in the Falklands. He was then asked to see the Foreign Secretary, Dr Stella, who:

> ". . . also asked me if there were any ways in which the Peruvians could help to break the diplomatic deadlock . . . I also spoke about the difficulties caused to Mr Haig by some of his interlocutors in Argentina. I also reminded Dr Arias that it was clear that Argentina attached great importance to the attitudes and opinions in Peru . . . After some further conversation of a general nature in which references were also made to the imminent visit of the Secretary of State to Washington, I left the Peruvian Foreign Ministry . . . I sent a telegram reporting my conversation in the terms I have described to the Committee, without any reference to any new proposal because no such proposal had been mentioned to me."[120]

[114] QQ214–216.
[115] Gavshon and Rice, pp 84–96.
[116] *The Observer*, 5 June 1983.
[117] Q309.
[118] QQ326–7.
[119] Q354.

5.11 Members of the Committee who have been able to observe diplomats at work think it probable that in the highly sensitive situation the fact that Ambassador Wallace had been asked to see the Peruvian Foreign Minister would have been noted in London, as would the tenor and content of the conversation. An alert desk officer in the Foreign Office late in the afternoon of Saturday 1 May could well have concluded that something might originate from Lima. If a duty officer did alert others, then how far did the information travel and how soon?

5.12 The importance of that Saturday conversation and its potential for a diplomatic initiative were underlined by Mr Wallace, who reported that Dr Arias Stella had said that "after our conversation the previous day, the President had decided to make a further attempt to break the deadlock".[121]

5.13 At first sight the evidence of Ambassador Wallace appears to negate all the various allegations or suppositions concerning Government foreknowledge of the Peruvian plan. Nevertheless, on closer examination, his evidence may illuminate, or explain, some of the apparent anomalies. Throughout the crisis Mr Wallace had close contacts with the Peruvian authorities—"almost daily".[122] He had important official conversations with the Foreign Minister of Peru on both Saturday and Sunday 1 and 2 May, immediately before and immediately after the production of the plan. As we have seen, he certainly contributed to its genesis, to put it no higher; and he drew attention to the recently arranged visit of Mr Pym to the State Department. Indeed, even if he was not, as has been alleged, "right in on it" he was very close—exactly where one would expect a British Ambassador to be.

5.14 We have not seen an official text of the seven points of the Peruvian proposals as first communicated to HM Government, but the account of the proposals given by Mr Gavshon and Mr Rice was accepted by the Foreign and Commonwealth Office as a basis for comparison with the version of the proposals subsequently agreed by HM Government on 6 May 1982. According to Mr Gavshon and Mr Rice, the proposals were

1. Immediate ceasefire.
2. Simultaneous and mutual withdrawal of forces.
3. Third parties would govern the Islands, temporarily.
4. The two governments would recognise the existence of conflicting viewpoints about the Islands.
5. The two governments would recognise the need to take the viewpoints and interests of the Islanders into account in the final solution.
6. The contact group which would start negotiating at once to implement this agreement would be Brazil, Peru, West Germany and the US.
7. A final solution must be found by 30 April 1983 under the contact group's guarantee.

5.15 As a Memorandum from the Foreign and Commonwealth Office pointed out, the interim agreement favoured by HM Government on 6 May contained significant differences:

> "One of the fundamental ones was—as Mr Pym stressed in his parliamentary Statement—the insistence in the interim agreement that the implementation of a ceasefire should be unambiguously linked to the commencement of a supervised Argentine withdrawal from the Falklands. Another was its emphasis that any interim administration by a small group of countries (which Mr Pym did not identify) should be undertaken in consultation with the Islanders' elected representatives, and that the group's possible help in negotiations for a definitive agreement on the status of the Islands should be without prejudice to our principles or to the wishes of the Islanders. Finally, as Mr Pym also made clear, the agreement would not have prejudiced in any way the outcome of the negotiations about the future—

[120] QQ305–307 and written evidence.
[121] Q309.
[122] Q303.

whereas the Argentines had until then insisted that a transfer of sovereignty to them should be a precondition of negotiations on a final settlement."[123]

5.16 In our view the possibility of a link between the Peruvian peace initiative and the sinking of the *Belgrano* is still an open question. The Government's suppression of evidence and giving of false evidence throughout the whole of this affair make it risky to base a firm conclusion on what they have said, and that is one reason why we recommend, in Section 9 below, a further enquiry.

The second Pym mission

5.17 In the debate on Thursday 29 April both the Prime Minister and the Foreign Secretary had stated that Mr Pym would go again to New York to meet the Secretary-General of the United Nations if either thought a "meeting would be likely to assist in achieving an acceptable solution". The Prime Minister dwelt on the theme, mentioning by name Sr Perez de Cuellar and Sir Anthony Parsons, the permanent UK Ambassador at the UN. It was this speech that Mr Healey found "reassuring". The decision to visit New York was known to the War Cabinet when they met the next day. Despite the Prime Minister's words, there has ever since been some doubt about the purpose of the visit. It is thus particularly regrettable that we were prevented from putting a question to the Prime Minister on this point.[124]

5.18 The Foreign Secretary arrived in Washington on the evening of Saturday 1 May, and on Sunday 2 May met Secretary of State Haig in his office for two hours. Mr Haig records[125] his telling Mr Pym that:

> "He (ie President Belaunde Terry) presented these (five simple points) to both sides and encountered, as he said, a 'certain obstinance' in the Argentinians. Nevertheless, he gained acceptance in principle from both parties . . ."

Mr Pym gave his own account of this meeting in evidence to the Committee on 11 June 1984.[126] Although Mr Haig introduced the Peruvian proposals at an early stage in the conversation, telling Mr Pym that he had been in direct contact with Lima, they were, in Mr Pym's view, "only outlines" and were not sufficiently developed, although he conceded that they were in a form apparently agreed by both Peruvians and the Argentine.[127] He described how Mr Haig undertook to see if adjustments were possible, and how he presented them to the House of Commons in their final form in order to demonstrate that the sinking of the *Belgrano* did not prevent their future consideration.[128]

5.19 As already referred to in paragraph 4.20 above Sir Nicholas Henderson took the post luncheon telephone call from Mr Haig to Mr Pym, an account of which was telegraphed to London at 17.30 Washington time (22.30 GMT). A version of this telegram was sent to us by the Foreign Office and is found in written evidence. If, as we have reason to believe, Mr Haig suggested that there should be a pause in military action for a few days, in a last desperate attempt to avoid all out war, we know that neither Ambassador Henderson nor Mr Pym could give any encouragement to such a suggestion since both would have been aware of the War Cabinet's decisions of 30 April and that day to escalate military action, but could not inform Mr Haig of them.

5.20 When Mr Pym gave evidence the Committee had no knowledge of the decisions taken the previous Friday by the War Cabinet concerning the *Veintecinco de Mayo* or its previous discussions about Rules of Engagement. However, Mr Pym did, and thus any reticence on his part on that Sunday concerning the Peruvian proposals was understandable: for all he knew, the *Veintecinco de Mayo* was being attacked, or even sinking, when the proposals were being described by Mr Haig. The news of the change in the Rules of Engagement arrived in the Washington Embassy "during the morning" by a telephone call made by Sir Antony Acland direct from Chequers; thus by lunchtime at the latest Mr Pym would have known that the two major Argentine units could be sunk that day. Mr Haig rejoined Mr Pym as guest at lunch at the UK Embassy, but after

[123] Appendix 2: Official Report, 7 May 1982, col 394.
[124] Minutes of Proceedings, 20 January 1985.
[125] *Caveat*, p 293.
[126] QQ384–386.
[127] Q401.
[128] Q407, Q409.

leaving he telephoned to emphasise, among other things, the importance of the Peruvian proposals. Mr Pym did not take the call himself but asked the Ambassador to assure Mr Haig that "he need have no doubt whatsoever about the importance I attach to them".[129] In the circumstances we are not surprised that Mr Pym did not wish to speak to Mr Haig again, and in our interviews he used the unconvincing explanation that he had a plane to catch.[130]

5.21 There is little need to emphasise the more than embarrassing position in which the Prime Minister and the War Cabinet had placed the Foreign Secretary, a position which has been revealed only from the summer of 1984. Here was the Foreign Secretary, apparently with the backing of the Prime Minister and of many Conservative Ministers and MPs, and certainly of the whole of the Commons Opposition, receiving constructive proposals for preventing war from the Secretary of State of the USA and from the Secretary-General of the United Nations, knowing that he could do little about them for reasons he could not divulge. He would have known since the Friday that news of an attack on, or even the sinking of, the *Veintecinco de Mayo* could break at any time.

5.22 According to evidence given to the Committee by Sir Anthony Parsons,[131] Mr Pym arrived at the Ambassador's Residence in New York at about 6 pm and they were joined at about 8 pm by Sr Perez de Cuellar, who stayed for over three hours. Sir Anthony told us that from the start of the Falklands affair Sr Perez de Cuellar and his aides had followed events minutely and that there was widespread expectation that he would take some initiative following the Haig mediation.[132] Sir Anthony had prior knowledge of this, since he told us that he and Mr Pym spent their time discussing it before the arrival of Sr de Cuellar. Sr Perez de Cuellar had spent time the previous day with Argentine diplomats.

5.23 In his Report to the Security Council Meeting of 21 May 1982 the Secretary-General described the steps he had taken from 30 April onward. On Sunday 2 May he had handed over to the Permanent Representative of Argentina and the Foreign Secretary of the United Kingdom, at separate meetings, an *aide-memoire*[133] which he described in the following terms:

> "I suggested that the two Governments agree to take simultaneously the following steps, which were conceived as provisional measures, without prejudice to the rights, claims or position of the parties concerned. I proposed specifically that at a specified time:
>
> (a) The Argentine Government begin withdrawal of its troops from the Falkland Islands (Islas Malvinas) and the United Kingdom Government redeploy its naval forces and begin their withdrawal from the area of the Falkland Islands (Islas Malvinas), both Governments to complete their withdrawal by an agreed date;
>
> (b) Both Governments commence negotiations to seek a diplomatic solution to their differences by an agreed target date;
>
> (c) Both Governments rescind their respective announcements of blockades and exclusion zones and cease all hostile acts against each other;
>
> (d) Both Governments terminate all economic sanctions;
>
> (e) Transitional arrangements begin to come into effect under which the above steps would be supervised and interim administrative requirements met."

A provisional United Nations administration could be provided for the Islands as had been originally suggested at the United Nations on 19 April. At this stage the *aide-memoire* was confidential: it embodied the type of approach referred to by the Prime Minister in her speech on the previous Thursday.

5.24 In reporting to the House of Commons on Tuesday 4 May 1982 on his two visits, Mr Pym reiterated the decision of the Government to use minimum force, and added that:

[129] Q387.
[130] QQ388–9.
[131] Q351.
[132] Q350.
[133] S P/V 2360.

> "military achievements have been in support of our overall strategy; they have not been and will not become a substitute for it."

He made general reference to discussions with both the Secretary-General and the President of the Security Council. He also referred to the ideas put forward by the President of Peru, stating that work on them was proceeding. The object of his visit to Washington and New York had been:

> "to reinforce our diplomatic effort to achieve a negotiated settlement as soon as possible."[134]

5.25 If, indeed, military activity was "in support of the overall strategy to achieve a negotiated settlement", then one might expect the preparation for such a crucial visit to have proceeded over a longer period. Any Government would have taken precautions to ensure that its Foreign Secretary would be sustained in every possible way, and that every precaution would be taken, at least for the time being, to ensure that military activity would not undermine his efforts. To do otherwise would be to risk the strong tide of international opinion then running in Britain's favour.

5.26 Whatever the effects may have been of the British attacks of 1 May, they appear to have been planned as a separate operation. The Rules of Engagement would have allowed the *Veintecinco de Mayo* to be sunk—even if all its aircraft were in its hangar deck—on the day before a carefully prepared written proposal was to be placed before the combatants by the Secretary General of the United Nations.

5.27 We cannot believe that these considerations were absent from the minds of the War Cabinet. Whatever may have been known or guessed about the hurriedly prepared "skeletal" proposals of Peru, they must have known that proposals which were at least as hopeful for fulfilling publicly avowed objectives were about to be launched in New York. Moreover, their launching was awaited eagerly not just by the House of Commons but also by tens of thousands on land and sea. If the military actions approved through changes in the Rules of Engagement on 30 April and 2 May were not made in order deliberately to prejudice the chances of these negotiations, then at least they were approved on military criteria with little or no concern for action on the diplomatic front. We see no legitimate reason why, before ordering the *Belgrano* to be sunk, a telephone call could not have been made to Washington to ascertain from the Foreign Secretary what were the prospects of a negotiated settlement.

The Chequers meeting of 2 May

5.28 The War Cabinet was, within the official Cabinet, a Cabinet committee called OD(SA), Overseas Defence (South Atlantic). As such it was chaired by the Prime Minister and serviced by the Cabinet Office, and its members were advised by the Mandarins Committee. However, the decisive meeting which changed the Rules of Engagement in order to sink the *Belgrano* was not a formal meeting of the War Cabinet but an informal gathering before lunch of some of those summoned to the War Cabinet meeting that day. The order to sink the cruiser was passed to Northwood before the War Cabinet met in formal session later. The safeguards of the Mandarins Committee, used in every other case of a change of Rules of Engagement, were thus pre-empted.

5.29 What had changed since the meeting on Friday 30 April? At that meeting Lord Lewin referred to the naval intelligence "appreciation" that the Argentines wanted to attack. At that stage "Ministers were very reluctant to authorise overt action" until Argentine intention had been demonstrated. An exception was made, however, for the *Veintecinco de Mayo*. By the Sunday, however, the *Belgrano* had been positively identified, and we were told that Admiral Woodward had consequently requested a change in the Rules of Engagement.[135] This positive identification of *Belgrano* did not of itself increase the "threat" to Woodward's ships; in any case, the Navy saw the "threat" as applying to the mission as a whole rather than to specific ships at specific times. Unlike Sir John Nott, who agreed that the decision was a "major change", Lord Lewin stated that the decision was:

[134] Official Report, 4 May 1982, col 19.
[135] Q511.

> "not a change of principle. The decision on the change in principle had already been taken."[136]

5.30 This confirms our view that he regarded the matter as having been decided in principle on or before Friday 30 April, to be implemented when "positive indications" of the threat had been received. He believed he had supplied these indications at Chequers, at least to the extent necessary to convince those at the informal meeting. Sir John, although understandably taking a Departmental view, would have understood the political implications and thus agreed that the step was a major one.

6. The Crucial Weekend: The Reasons Why

6.1 Behind the Government's bland, but often amended explanations for the sinking of the *Belgrano* lie several questions that require close scrutiny and frank answers. They relate to the intentions of the Argentine fleet over the four days ending 2 May and the extent to which they were known by Northwood and the manner in which they were communicated to the decision makers of the War Cabinet. Four issues can be particularly distinguished: the nature of the actual threat posed by the *Belgrano* and the threat as perceived by the War Cabinet; the time-lag between receipt of information by Northwood and its communication to the Chief of the Defence staff, and through him, to the War Cabinet; the orders signalled to *Conqueror*; and the ability of those responsible at Northwood to make a clear distinction between information and assumption in intelligence appreciations. Taken together the facts so far known about each suggest that the change to the Rules of Engagement, and thus the attack on the *Belgrano*, were authorised partly on the basis of incomplete or incorrect assessments. Rather than acknowledge any shortcomings or inconsistencies, Ministers chose to provide Parliament with less than accurate accounts of events. So their cover up began.

Argentine fleet movements

6.2 According to the Gavshon-Rice version—which has been criticised but not successfully challenged—Argentina's South Atlantic Fleet commanded by Rear Admiral Juan Jose Lombardo, initially comprised three groups codenamed Task Force 79^1, 79^2 and 79^3, with the *Veintecinco de Mayo* leading the first group in the North, a cluster of three or four Exocet-carrying corvettes making up the second group in the centre, and the *Belgrano* group as 79^3 in the South. These authors claim[137] that four crucial signals sent to the Argentine Task Force were intercepted by GCHQ at Cheltenham. Their contents should immediately have been used in any balanced Ministry of Defence intelligence appraisal prepared for War Cabinet consideration. In chronological sequence the four signals showed:

(i) On 29 April 1982 the *Belgrano* group was instructed to patrol a 200-mile line southwest of the Falklands, well outside the TEZ, to guard against possible British or Chilean intrusions. No such intrusions were ever reported. (On the same day former US Secretary of State Alexander Haig advised the British and Argentine governments that he would be announcing the end of his mission of mediation publicly on 30 April. On that day, too, *Conqueror* was heading from South Georgia towards her new anti-shipping patrol area that encompassed the movements of the *Belgrano* group.)

(ii) At 1555 (1955 London time) on 1 May 1982 Lombardo ordered the *Vientecinco de Mayo* and the corvette groups to set out on a search-and-destroy mission against British ships; this was done in the mistaken belief that the ongoing British air-sea bombardment of Argentine positions on the Islands was the prelude for a full-scale reinvasion. The Argentine groups failed to find any British ships, and aircraft did not leave the carrier due to lack of wind.

(iii) At 2007 (0007 London time 2 May) on Saturday 1 May Vice-Admiral Walter Allara aboard his carrier flagship, the *Veintecinco de Mayo*, rescinded that search-and-destroy order. He did so on Lombardo's authority, and Lombardo had the approval of Admiral Jorge Isaac Anaya, reputed to be the hardline member of the Junta. This was because British air-sea attacks had ceased by nightfall and the Argentine High Command was satisfied that earlier reports of a counter-invasion had been incorrect.

[136] Q476.
[137] Gavshon and Rice, *op cit*, pp 81, 161.

(iv) At 0119 on 2 May (0519 London time) Lombardo signalled a confirmatory message to Allara for transmission to all Argentine units regarding the earlier withdrawal instruction. The message enlarging on that instruction said in part:

> "Your 012007 (meaning yours of 1 May at 2007 hours): There have been no further air attacks on the Malvinas after 011900. I do not know the position of the enemy aircraft carriers. The free-ranging enemy still constitutes a strong threat to Task Force 79."

6.3 The *Belgrano* group, after completing its eastward patrol at approximately 0500 hours (0900 London time) on Sunday 2 May, began its westward track back toward Argentine waters in compliance with its original, unchanged orders. We attempted to find out how much of this information was available to Northwood. The answer would have demonstrated both the accuracy of the Gavshon and Rice account and the information that could have been available to the War Cabinet. However, on 3 April 1985 the Committee, by a majority, reversed a previous decision to put a question on these lines to the Secretary of State for Defence.[138]

Belgrano *as a threat?*

6.4 From the outset British Ministers claimed that the *Belgrano* group, with the *Veintecinco de Mayo*, was engaged in a pincer movement against the British Task Force. It is important to establish if that claim was based on hard information or soft assumptions; evidence in the public domain suggests few firm facts can be adduced to support that assertion. Lord Lewin has acknowledged that the ministerial claim was essentially speculative. It was an appreciation based on monitored Argentine broadcasts combined with "an assessment of what you would do if you were Argentina".[139] A special unit of intelligence analysts had been set up at Northwood to attempt to forecast how the Argentines would react in a variety of contingencies. We assume that this procedure was followed on the evening of Saturday 1 May when GCHQ's decrypts of the Argentine fleet orders were transmitted to Northwood.

6.5 A writer in the Cambridge-based journal *Granta* claims—and we have seen nothing to cast doubt on that claim—that on receiving the first signal of 1 May 1982, telling of the search-and-destroy order a Northwood intelligence analyst produced an assessment. It stated without qualification that the *Belgrano* and her escorts also had been ordered to join the attack. We doubt the validity of this assumption. The writer then adds:

> "The interception of this Argentine navy signal at 1955 GMT had even wider consequences. It was on the basis of the intelligence summary prepared as a result that the War Cabinet persuaded themselves they were now entitled to declare all-out war—in effect—on the Argentine navy. They had been triggered into attacking Britain. Britain, therefore, was entitled, without further warning, to attack all Argentine vessels wherever found on the high seas."[140]

6.6 But then, 4 hours and 12 minutes later, came the second important intercept of the day which, when decoded, disclosed that the attack had been called off. The Northwood analysts seemed to have been unimpressed by Allara's withdrawal order. Like Admiral Lewin in subsequent public statements[141] they may have allowed for the possibility that an elaborate Argentine bluff was under way, or that the Argentines had suspended their planned attack only temporarily. Yet the absence of any Argentine naval attempt to engage British ships, plus the subsequent turnaround by the *Belgrano* group, might reasonably be expected to have caused the Northwood analysts to revise their initial appraisal. If any doubts had been entertained by these analysts they could have been removed by the third intercept of the day which was Lombardo's confirmation of the recall order timed 5 hours 12 minutes after the Allara signal. According to the *Granta* article, it was received in good order at GCHQ, but no trace of its decoded text appears to exist at the Ministry of Defence. "This signal, once decoded, would have deprived the British Navy of any excuse to start shooting on the high seas," the writer observed. He

[138] Minutes of Proceedings, 3 April 1985.
[139] Interview with Arthur Gavshon, *Guardian*, 2 October 1984.
[140] "Revelations" by Peter Grieg, *Granta*, issue No 15, Spring 1985.
[141] *loc cit.*

then posed the question: "Is is possible to conclude that, among the many messages GCHQ so professionally intercepted and broke, this one was not decoded at the time?"

6.7 What is not clear is the chronology and use of either or both of the recall signals. That these were picked up there is little doubt. In answering a question from Mr Mikardo about these signals, Admiral Lewin said, stressing that he spoke from memory:

> "My recollection was that it was part of the intelligence material which was available on the 3rd but I could be wrong—it could have been the 4th. It was in this form: 'We believe that the Argentine forces have now been withdrawn to their mainland,' *but we had no knowledge of this on the 2nd.*"[142]

In a situation loaded with bizarre happenings—from missing logs to misinformed Ministers—we find the claimed delay in decoding or forwarding this significant signal to be both extraordinary and of major significance. If it had been promptly decoded and duly reported, as presumably the earlier signals must have been, it would have deprived the War Cabinet of its claimed legal justification to attack the *Belgrano*, or any other Argentine vessel, outside territorial waters, for reasons of self-defence.

The Northwood–Downing Street time gulf

6.8 Lord Lewin has made it publicly clear on several occasions that he called at the Royal Navy's battle headquarters in Northwood around 0900 hours (London time) on Sunday 2 May 1982. He said he learned there for the first time that the *Belgrano* had been sighted on the previous day—about 20 hours before. He had the opportunity there also to study the most up-to-date intelligence appreciation with its mistaken forecast that the Argentine fleet was preparing for an attack that would involve the *Belgrano* in a pincer movement. He has said this information, which had been transmitted to the Task Force the previous day, had led Admiral Sir John Woodward urgently to recommend that the *Belgrano* should be sunk wherever it happened to be, inside or outside the TEZ.

6.9 We find it strange that Admiral Lewin was not informed immediately about the recall signal. He was more than Chief of the Defence Staff: he was also the Services' only link with the War Cabinet. It was known that the War Cabinet was meeting within a few hours. Against that background we feel compelled to ask:

(i) why was Lord Lewin not informed of the sighting of the *Belgrano* as soon as it was reported by mid-afternoon Saturday 1 May instead of about 20 hours later?

(ii) if the *Belgrano* was thought to be part of a pincer movement at a time when she was in the sights of *Conqueror*, who decided against immediately calling the danger to the attention of the War Cabinet?

(iii) what were the reasons for not urgently convening a meeting of the Mandarins Committee to prepare for a change in the Rules of Engagement permitting the *Belgrano* to be attacked by *Conqueror* as Admiral Woodward required?

(iv) how is it possible to explain the failure to sink the *Belgrano* on Saturday 1 May when she was closer, and more dangerous, to the Task Force than she was next day when it was known she was heading away from British ships?

(v) what senior officers were consulted by Lord Lewin before he applied to the War Cabinet for the 2 May change in the Rules of Engagement?

Signals to the *Conqueror*

6.10 Initial ministerial explanations of the *Belgrano's* destruction were less than frank. The Rules of Engagement were changed by the War Cabinet at Chequers on 2 May 1982 to permit the attack not only on the cruiser but also on all Argentine surface ships outside Argentine territorial waters. First disclosure of this in the Gavshon-Rice book[143] attracted little attention in early March 1984; but five months later, when confirmation came in Ministry of Defence documents leaked to Mr Dalyell, intense controversy followed. This focused, in part, on the way the House of Commons had been misled on the issue; but it also attracted attention to the fact that HMG had seemed to overstep the rights of self-defence set out in Article 51 of the UN Charter which had been invoked to justify virtually all British military action.

[142] Q505, emphasis added.
[143] Page 162.

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6.11 The effect of the Chequers decision was to create a state of undeclared war against Agentina. To Commander Wreford-Brown, however, the implications of the orders sent to him seemed, at first, not to be clear. His reports indicated that the *Belgrano* had kept well outside the TEZ and that her course and position showed she was ambling towards home waters, seemingly not bent on attacking anyone. He appears to have recorded the first order he received as "garbled" pending either an automatic repeat or a clarification that he could expect on the next two-hourly circuit. Meantime he took a new fix on the cruiser's position which he signalled back to Northwood when the circuit was next activated.[144] Finally, after his third circuit to Northwood, six hours after the original order reached him, Wreford-Brown moved in to attack. As we see it Wreford-Brown's caution was understandable. He had been familiar with his original instructions which were not to engage the *Belgrano* group unless it entered the TEZ. His awareness of the military and political significance of the attack may have compelled him to check and recheck what he was being called upon to do. This sequence of events underscores the significance of the helmsman's vanished log: yet even more important to us would have been access to the Commander's log for the record it would provide of what precisely was going on. We take the view that the Commander of *Conqueror* conducted himself with commendable care and responsibility in the way in which he appeared to check an order that bore little relation to the needs of the moment.

Intelligence: hard information or soft assumptions?

6.12 We take the view that there was a lack of urgency and clarity in the way the Royal Navy's intelligence establishment seem to have communicated and interpreted the content of intercepts processed by GCHQ. We have already called attention to the undue delay which, as Lord Lewin made clear, attended the transmission of crucial information to the Chief of the Defence Staff and through him to the War Cabinet. We recognize the usefulness of the system to which Lord Lewin referred of having a unit seeking to assess shifting tactical and strategic situations through the eyes of the enemy, provided that such appreciations are carefully balanced by hard information; for without that balance we fear that "worst case scenarios" invariably will emerge leading to dubious judgments and ill-conceived decisions. Although the evidence we have heard from Lord Lewin suggests that undue delays in communicating hard information to the War Cabinet did take place, we have taken note of contra-indications. Among these have been reports in *The Guardian*[145] and *The Observer*[146] claiming that the content of the intercepts of 1 and 2 May 1982 were decoded speedily and transmitted immediately by telex to Northwood and to the Prime Minister's office at Chequers. In concluding, we are bound to express our disquiet concerning the procedures surrounding intelligence information and assessments at Northwood and the manner in which they were supplied to the War Cabinet. Was there a tendency, perhaps natural for those who need to defend the lives of others, to accord preference to assumptions rather than to hard information? We tried to obtain an answer to this question by asking the Secretary of State for Defence "What were the details of the intelligence assessment which Sir John Nott told us[147] was provided for the War Cabinet on 2 May 1982, and, in the light of information now available, what parts were (a) inaccurate as to fact and (b) mistaken as to forecast?"—but again, the Committee, reversing its earlier decision, refused to put the question.[148] It must be asked again, and answered.

6.13 We wish also to record our awareness of the obligation on HM Government to exercise discretion in any discussion of the country's intelligence apparatus and its functioning in times of conflict and peace. Equally we are conscious of our own responsibilities in this area. But we do not accept that it is right for Ministers to invest the process of gathering and assessing intelligence with the sort of mystique that allows them arbitrarily to conceal, misuse or distort information on which they base decisions vitally affecting our people and their interests. Ours is a democracy mature enough to be able to understand that critical situations can produce perceptions, judgments and appreciations that may be less than perfect. Yet we do not consider it is asking too much for mistakes to be acknowledged honestly when mistakes are made. In a dangerous world we can see no substitute for truth in the affairs of our people. That brings us to the accountability of ministers to Parliament.

[144] For details of *Belgrano's* course see map on page lxxxii.
[145] 5 January 1985.
[146] 6 January 1985.
[147] Q642.
[148] Minutes of Proceedings, 20 March 1985.

7. The Cover-up

The misleading of Parliament and the prevention of access to information

7.1 We now turn to the very important questions whether HM Government, through its Ministers, deliberately or otherwise misled Parliament by their subsequent explanations of the events leading to the sinking of the *Belgrano* and the implications of HMG's reluctance to provide full and accurate information about the sinking of the *Belgrano* to the House and to this Committee. Some mistrust of British ministerial statements is inevitable in view of the corrections which have had to be made by Ministers in respect of certain statements made during the conflict and in view of Ministers' outright refusal publicly to reveal the full extent and nature of the intelligence available to them during the conflict. Many of the facts and arguments relating to this matter were considered by the House of Commons during the debate on 18 February 1985. It is, however, a matter of direct concern to us to determine whether Ministers have at any time sought deliberately to mislead Parliament and particularly this Committee or to prevent our access to information directly relevant to our inquiries.

The Government's reluctance to tell the whole truth

7.2 The main criticism of the Government in its provision of information to the House on this matter is that, until the widespread controversy which developed during last year's summer recess, Ministers were not prepared to give a full and frank account of the military events which preceded the decision to attack the *General Belgrano*, providing information only on a piecemeal basis in response to parliamentary questions and resisting pressure to reveal more detail on grounds of national security. It is further argued that, by withholding information in this way, Ministers actively contributed to the continuing speculation that the decision on 2 May 1982 was questionable on military, political or legal grounds, and to doubts about the truth of such information as was actually made available.

7.3 Between December 1982 and the spring of 1984, a succession of parliamentary questions and of occasional discoveries in the press both revealed more detail about the events of the weekend which culminated in the sinking of the *Belgrano* and indicated omissions and contradictions in the official Government version of those events which aroused some doubts in the minds of many outside observers and many Members of the House. There is, of course, no constitutional convention requiring the British Government voluntarily to release full information about its past activities, and there is equally a long-standing convention that Ministers may refuse to answer questions on security grounds without giving further reasons. This latter convention, however, can be expected to survive only so long as it is not deliberately used—and proved to have been so used—as an excuse to prevent the disclosure of information which would merely be embarrassing to the government of the day rather than a threat to national security.

7.4 If Ministers' answers to questions from Members merely reflected a reluctance to be drawn further on the details relating to the conduct of the Falklands campaign, and did not reflect a deliberate desire to distort or conceal the truth, then their conduct can be condemned only as a lapse of judgment. If, however, it can be demonstrated that Ministers deliberately refused to give information to the House on grounds of national security when no such grounds actually existed, their conduct must be seen in a much more serious light since, even if no actual untruths had been told in the process, their actions would have seriously damaged confidence in the conventions relating to the provision of information which have generally been accepted by the House.

7.5 A reluctance to provide information, however ill-judged, is, however, a very different matter from a deliberate attempt to mislead the House, whether by knowingly providing false information or by deliberately failing to correct previous statements known to be false. The main examples of untrue or misleading statements made by Ministers to Parliament are as follows:

That *HMS Conqueror* did not detect the *Belgrano* until 8 pm on 2 May 1982

7.6 The Secretary of State for Defence (John Nott):

> "The next day, 2 May, at 8 pm London time, one of our submarines detected the Argentine cruiser, *General Belgrano*, escorted by two destroyers".[150]

This assertion was also made in the Official Despatch, published in the *London Gazette*, and in the Falklands White Paper of December 1982:

> "On 2 May *HMS Conqueror* detected the Argentine cruiser, *General Belgrano*."[151]

However, six months later, Baroness Young, Minister of State, referring to that part of the White Paper, told the House of Lords:

> "The paragraph in question deals with the question of the events which took place on 2 May last year. It was not intended to indicate when the cruiser was first located."[152]

This statement was made after the Commander of *Conqueror* went on record as saying that the detection of the *Belgrano* had taken place on 1 May, if not earlier. On 4 April 1984, in her letter to Denzil Davies MP, the Prime Minister wrote:

> "*HMS Conqueror*, on patrol south of the Falklands Islands, detected an Argentine oiler auxiliary which was accompanying the *Belgrano* on 30 April. She sighted the *Belgrano* for the first time on 1 May."

Eventually, therefore, nearly two years after the event, the Prime Minister was forced to admit that the original Government version was incorrect, and she must have known it to be incorrect because the sighting was reported to members of the War Cabinet at lunchtime on 2 May.

That the *Belgrano* had changed her course many times during 2 May 1982

7.7 Mr Peter Blaker, Minister of State for Defence:

> "The *General Belgrano* made many changes of course throughout the day. It is not possible to give precise details."[153]

The Prime Minister:

> "The *General Belgrano* and her escorts had made many changes of course during 2 May."[154]

> "Mr Dalyell asked the Secretary of State for Defence, pursuant to the answer of 29 November, Official Report, col 104, for how long the *General Belgrano* had been on a course of 280 degrees; and what was her immediate preceding course."

> Mr Blaker: "It is not possible to say . . ."

All the above answers are untrue.

Although there is no continuous log of the *Belgrano*'s movements, the Ministry of Defence has since admitted that its position was known at certain times as follows:

London time (2 May)	*Position*	*Course*	*Speed (knots)*
5 am	55.20S 060.14W	090	13
9 am	55.20S 057.22W	reversed course	
3 am	55.16S 060.18W	270	14
8 pm	55.27S 061.25W	280	11

There were, therefore, only two changes of course by the *Belgrano* on 2 May: a major change at 9 am and a minor change at 8 pm.

[150] Official Report, 4 May 1982, col 29.
[151] Cmnd 8758, para 110.
[152] Official Report, (House of Lords) 13 July 1983.
[153] Official Report, 29 November 1982, col 104.
[154] *ibid*, 16 December 1982.

That the *Belgrano* and her escorts were converging on units of our Task Force

7.8 The Secretary of State for Defence (John Nott):

> "This heavily armed surface attack group was close to the Total Exclusion Zone and was closing on elements of our Task Force."[155]

This claim was substantially repeated by the Prime Minister on the BBC TV "Nationwide" programme. When she was asked by Mrs Diane Gould why she had given the order to sink the *Belgrano* even though it was steaming away from the Falklands, the Prime Minister replied: "But it was not sailing away from the Falklands." Yet Peter Blaker, Minister of State for Defence, had told Tam Dalyell, MP on 29 November 1982:

> "At the moment she was torpedoed, about 8 pm London time, *General Belgrano* was on a course of 280 degrees."[156]

As 280 degrees is 10° North of West, the statements by John Nott of 4 May 1982 and by the Prime Minister in May 1983 were absolutely untrue.

That the *Belgrano* posed an immediate threat to our Task Force

7.9 The Secretary of State for Defence (John Nott):

> "This heavily armed surface attack group (ie the *Belgrano* and its escorts) was close to the Total Exclusion Zone and was closing on elements of our Task Force, which was only hours away . . . Together with its escorting destroyers, which we believe were equipped with Exocet anti-ship missiles with a range of over 20 miles, the threat to the Task Force was such that the Task Force Commander could ignore it only at his peril."[157]

The Minister of State for Defence (Lord Trenchard):

> "There was no doubt about the threat posed by the position and movement of this attack group . . ."[158]

> "The *Belgrano*, and her escorts armed with Exocet missiles, posed a clear threat to the ships of the Task Force."[159]

The Prime Minister:

> "Had we left it any later it would have been too late and I might have had to come to the House with the news that some of our ships had been sunk."[160]

The Prime Minister's letter of 4 April 1984 referred to "indications that the *Belgrano* posed a threat to the Task Force". At an election news conference in 1983, the Prime Minister said that the *Belgrano* was about six hours sailing time from the nearest British surface ship, and so posed a real threat to the South Atlantic Task Force. It has since transpired that the nearest British surface unit was about 260 nautical miles away.[161] As the *Belgrano*'s top cruising speed was 18 knots, it would have taken 14 hours to cover that distance. The range of an M38 Exocet missile is just over 20 miles. More specifically, if the *Belgrano* had approached the Task Force units, it would have entered the Total Exclusion Zone and been attacked by *Conqueror* without any change in the Rules of Engagement being necessary.

That the change in the Rules of Engagement made at Chequers on 2 May had been limited to allow *Conqueror* to attack the *Belgrano* outside the Total Exclusion Zone

7.10 Admiral Woodward:

> "I therefore sought, for the first and only time throughout the campaign, a major change to the Rules of Engagement to enable *Conqueror* to attack *Belgrano* outside the Exclusion Zone."[162]

Baroness Young, Minister of State at the Foreign and Commonwealth Office:

[155] Official Report, 4 May 1982, cols 29–30.
[156] Official Report, 29 November 1982.
[157] Official Report, 4 May 1982, col 30.
[158] Official Report (House of Lords), 4 May 1982.
[159] Cmnd 8758, para 110.
[160] Official Report, 4 May 1982.
[161] *ibid*, 18 February 1985, col 796 and map.
[162] Lecture at the Royal United Services Institute 20 October 1982 and letter from the Prime Minister to Denzil Davies, MP.

> "Ministers approved a change in the Rules of Engagement, requested by the Task Force Commander, to enable the cruiser to be engaged outside the Total Exclusion Zone."[163]

These answers disguise the fact that the list of changes in the period 20 April–7 May shows that the engagement of the Argentine aircraft carrier *Veintecinco de Mayo* outside the Total Exclusion Zone was permitted from 30 April, and that the change on 2 May was not restricted to *Belgrano* but included all Argentine warships over a large area.[164]

That the decision to sink *Belgrano* was taken by the Commander of *Conqueror*

7.11 The Secretary of State for Defence (John Nott):

> "The actual decision to launch a torpedo was clearly taken by the submarine commander, but that decision was taken within very clear rules of engagement that had been settled in London and discussed by the Government."[165]

As is now known, this statement by the Secretary of State for Defence on 5 May 1982 gave a misleading impression of spontaneous action initiated by the Task Force Commander and the submarine commander when confronted with an immediate military threat. Lord Lewin has since told the Committee:

> "Once the rules of engagement permitted an attack on the *Belgrano*, the Commander of the *Conqueror* would be expected to attack as soon as opportunity offered. He would be liable to Court Martial if he failed to take what was *prima facie* a reasonable chance."[166]

That the destroyers escorting *Belgrano* were not attacked in any way

7.12 John Nott, Secretary of State for Defence:

> "The House will know that the attack by our submarine involved the capital ship only and not its escorting destroyers."[167]

The Prime Minister:

> "... the cruiser was accompanied by two destroyers, which were not attacked in any way."[168]

The truth is that the escorting destroyer, *Hipolito Bouchard*, had been hit by a torpedo from *Conqueror* which failed to explode.

HMG's continued failure to give accurate information to the House of Commons

7.13 In his evidence the present Defence Secretary, Mr Heseltine, told us that he "strongly resented" accusations that his predecessor had "deceived the House of Commons". Mr Heseltine said:

> "John Nott made a statement to the House of Commons on 4 May, and in one or two ways it is inaccurate. It is not inaccurate because he sought to deceive the House of Commons. It is inaccurate because, under the pressure upon that man, and the responsibility upon that man, he did not have available to him all the facts as they now, with hindsight, turn out to be."[169]

7.14 Sir John Nott conceded in his evidence to us that his statement on 4 May was, in part at least, untrue, and added:

> "I regret that I did not use the words 'in proximity'. I made a statement to the House which at the time I believed to be the latest and most up-to-date information that was available ... I made that statement in perfect good faith."[170]

7.15 We cannot accept this. It has been suggested that any inaccuracies in the statement could have been due to the pressure of time or the heat and confusion of the conflict.

[163] Official Report, 13 July 1983.
[164] The Legge minute.
[165] Official Report, 5 May, col 156.
[166] Letter from Lord Lewin to the Committee.
[167] Official Report, 4 May 1982, col 30.
[168] *Ibid.*
[169] Q139.
[170] Q648.

But, in this particular case, there was no justifiable reason for a hasty ill-prepared statement. News of the sinking of the *Belgrano* had arrived in London over 36 hours previously and the sinking had been authorised over 48 hours before the statement was made. Parliament did not sit on the Monday, as it was the May Bank Holiday. Thus most of that day and Tuesday morning were available to prepare the formal statement. Furthermore, in saying that "the next day, 2 May, at 8 pm London time, one of our submarines detected the Argentine cruiser, *General Belgrano*", John Nott implied that the locating and torpedoing took place within a relatively short span of time. The statement regarding the time of detection is of course untrue (see para 7.6). John Nott (and also the Prime Minister) knew at lunch-time on Sunday 2 May, the day of the sinking, that *Belgrano* had been located hours before that: this discredits his claim that he made the statement "in perfect good faith".

7.16 Although it may have been considered necessary during the conflict for certain facts not to be revealed on genuine grounds of national security, this is no excuse for a Minister knowingly to make a false statement to Parliament, nor does it explain the perpetuation of the substance of John Nott's misstatements for so long after the event. We deplore the deception of Parliament, the failure of HMG to correct false statements at the earliest opportunity and the subsequent reiteration of untrue or misleading statements by Government Ministers. If Ministers are allowed to treat Parliament in such a manner, then it seriously undermines the accountability of the Executive to the House of Commons which is one of the essentials of our parliamentary democracy.

7.17 The Prime Minister stressed in her letter to the Leader of the Opposition on 19 September 1984 that:

> "Ministers have to take the responsibility, with the help of our security experts' advice, of deciding at what point it is necessary to withhold information in the interests of national security. To go beyond that point to justify the Government's decisions and then to jeopardise lives in the future would be the height of irresponsibility."

On the same day, in a letter to Mr George Foulkes, the Prime Minister provided "as full an account of these matters as, I am advised, is consistent with national security", and in a subsequent letter, on 8 October 1984, she explained that she was able to give "some of this further information which we were reluctant to reveal in 1982, as it has lost some of its operational significance".

7.18 In her various letters to Members last autumn, however, the Prime Minister also hinted at a further preoccupation of Ministers which has come to be known as the "slippery slope" theory. In writing to the Leader of the Social Democratic Party on 8 October, she claimed that "the events of recent months suggest that the process of disclosure will never satisfy those determined to misinterpret the Government's actions at the time, but it might lead into areas which could risk irreparable damage to national security".

7.19 This theme was developed by the present Secretary of State for Defence when he gave evidence to the Committee on 7 November 1984. Mr Heseltine explained that, following the receipt of further detailed questions from Mr Denzil Davies put on behalf of the Shadow Cabinet, and from Mr Dalyell in March 1984, he commissioned the preparation of the documents now known as the Crown Jewels, and at the end of March examined the information they contained "in order to try to decide what advice I would give the Prime Minister as to how we should deal with these questions".[171]

7.20 The Secretary of State's examination of the documents both convinced him of the correctness of the decision to change the Rules of Engagement on 2 May and confirmed the existence of inaccuracies in the original ministerial statements about the sinking of the *Belgrano*. However, Mr Heseltine went on:

> "It was also apparent to me that if we were to move down the road of a detailed analysis ... we would end up with yet more requests for yet more information; and ... we would move into realms of questioning which we could not answer because national security interests would not permit it."[172]

[171] Q51.
[172] Q51.

Accordingly, he decided that Ministers should give "the clearest answers we could to the question of the attacking or detection of the *Belgrano*", but that other issues "would have to be dealt with in a general explanation of the Government's position on the whole *Belgrano* incident".[173]

7.21 It is clear from the Secretary of State's evidence that in late March and early April 1984 he made a conscious decision to withhold certain information from Members not because its release would itself be detrimental to national interest but because it could supposedly lead to further requests for information which would be difficult to deal with.

7.22 The Secretary of State's evidence about the decisions he took in March and April 1984 does not, however, fully explain the failure to correct much sooner some of the inaccuracies in the statement of 4 May 1982 about the course and position of the *Belgrano* when she was attacked, the position of the *Belgrano* in relation to the nearest units of the Task Force, and the time when the *Belgrano* was detected. The Prime Minister has herself conceded that "with the benefit of hindsight it may be that it would have helped to have said something more (at the time of the publication of the White Paper) consistent with the need to avoid giving information of operational significance".[174] This statement clearly implies that more information could have been provided by the end of 1982.

7.23 We find it difficult to accept the Prime Minister's explanation that the deliberate alteration of the date of the detection of the *Belgrano* in Admiral Fieldhouse's despatch in December 1982 was in order to protect "sensitive operational and intelligence information". Security considerations lose their force with the passage of time, so that facts whose very existence cannot be admitted whilst hostilities are in progress can later be revealed, albeit partially at first. We therefore cannot understand why, when Ministers were informed in November 1982 of the *Belgrano*'s change of course on 2 May 1982, this information was not more quickly revealed to the House and the error in Sir John Nott's statement on this point put right. As a result of the approach adopted by Ministers, the House remained for too long in ignorance of information which Members were perfectly entitled to request and some of which ceased to be of operational significance soon after the end of hostilities.

7.24 Of particular concern to this Committee is the question whether, last July, the Secretary of State for Defence deliberately and improperly withheld information from us which we were entitled to receive, and whether, in so doing, the Secretary of State wished to mislead us.

7.25 The circumstances which arose in July 1984 are fully explained in our Chairman's public statement on 7 November 1984 and the subsequent exchanges during the course of the Secretary of State's evidence to us.[175] In brief, during evidence on 20 June 1984 Baroness Young was asked for a note listing all changes in the Rules of Engagement during the Falklands conflict.[176] We eventually received, in a letter from the Minister of State for the Armed Forces, Mr John Stanley, a brief memorandum giving a general commentary on the Rules of Engagement, but not the specific information we had asked for. Almost simultaneously we received from Mr Tam Dalyell a copy of the so-called Legge minute, in which advice was offered to Ministers about the manner in which our request for information should be dealt with.

7.26 It has sometimes been suggested that if the Committee had not seen the Legge minute it would not have wished to pursue the matter further. Since the Committee's consideration of the two documents took place simultaneously, it is impossible to know for certain how we would have reacted. But since Mr Stanley's memorandum made so little effort to address our specific questions and did not seek to explain why this was so, our reaction to that document alone is likely to have been sceptical. However, what is virtually certain is that, if Mr Dalyell had not given the Committee a copy of the documents forwarded to him by Mr Ponting, then much of the information which we sought would not have been revealed.

[173] Q51, and Official Report, 18 February 1985, col 744.
[174] Letter to Dr David Owen, 8 October 1984.
[175] QQ1–152.
[176] Q642 (1983–84).

7.27 When we took evidence from the Secretary of State we examined in detail with him both the reasons set out in the Legge minute for withholding information from the Committee, and the reasons why Ministers had actually done so. Mr Heseltine made it clear that, of the reasons set out in Mr Legge's minute, his principal reasons for not providing a full list of RoE changes were (i) that we had expressed a preference for a non-classified reply; (ii) that some RoEs were still in force and "I do not know of any military practice whereby Rules of Engagement are revealed in public"; and (iii) that it would have been "an immensely time-consuming business" to provide the full list of RoE changes "in a form comprehensible to the layman".[177]

7.28 Mr Heseltine went on to explain the consideration Ministers had previously given to the question of where to draw the line in the provision of information about the *Belgrano*[178] and, in doing so, went some way to explain what Mr Legge had meant when, in his minute, he suggested that "a full list of changes would provide more information than Ministers have been prepared to reveal so far about the *Belgrano* affair". Referring to his attached draft, Mr Legge said: "It is consistent with previous official statements by Ministers and others."

7.29 We believe that the principal reason for not immediately providing us with more of the information we sought in June was, indeed, that we appeared to be seeking information which we might publish.[179] The Ministers' failure to explain in their original memorandum the reasons why they felt unable to provide the information we sought on an unclassified basis, or to offer the possibility of providing further information in classified form, or to explain what a time-consuming exercise would be involved in compiling the information (which in any event had been prepared for the War Cabinet) appear to us to be a rather disingenuous attempt to avoid the possibility that we would seek to pursue the matter further. We conclude that the Ministry of Defence's response to our original request for information was inadequate in substance and almost certainly intended to discourage further questioning on the matter.

7.30 We are satisfied that the main reason for HM Government's reluctance to give the Committee information was not on grounds of national security but had more to do with the Government's desire not to release the full and true information which would be inconsistent with previous ministerial statements and would therefore embarrass the Government. This opinion is reinforced by the minute of 3 July 1984 from Mr Baker of DS 11 to Ministry of Defence division DS 5, enclosing a draft memorandum to the Foreign Affairs Committee on the rules of engagement and seeking advice, "lest I have departed inadvertently from the public line and risked a breach in our united front".

7.31 We are of the opinion that national security was used as a convenient smokescreen to protect the credibility of the Government. We therefore absolutely condemn HMG's deliberate attempt to obstruct a legitimate inquiry by a Parliamentary Select Committee which had the right to inquire and get truthful answers. It was clearly the intention of Ministers to provide the Committee with a memorandum which would be not only misleading but which was intended to block any further inquiries.

7.32 We have unearthed the Legge minute and the Baker minute, but we simply do not know how many more similar but undisclosed minutes exist and were acted on in various Government departments. The fact that Ministers made untrue or misleading statements and unjustifiably withheld information was exposed only by investigative journalism and persistent questioning by Mr Tam Dalyell, MP and other members of the House. However, we do not know what other untrue or misleading statements remain unexposed. This strongly reinforces the case for the further independent inquiry which we recommend in Section 9 below.

8. Fortress Falklands: The Continuing Cost

The human costs

8.1 During the course of the Falklands war, 255 British sevicemen and civilians were killed and 777 wounded. Some of the latter were maimed for life. The Argentine lost 652 men dead and missing.

[177] QQ3–7.
[178] See paras 7.19–7.21 above.
[179] Q16.

8.2 The British garrison in the South Atlantic has operated, over the past three years, in an often inclement and hostile environment. In such circumstances, accidents occur, and they lead to scores of injuries and some deaths. Aircraft and helicopter crewmen, sailors and soldiers have been killed and injured. In such a manner do the human costs of the Falklands War continue, and will do so until there is a permanent political settlement between Britain and Argentina.

The material costs

8.3 During the war, Britain deployed a Task Force to the South Atlantic. But Task Force was a misnomer, for it was a force substantially larger than any Western European navy with the exception of the French navy. It involved both of Britain's aircraft carriers, both assault ships and the great majority of Britain's modern destroyers and frigates. The latter included five out of eight Type 42 destroyers, six out of eight Type 21 frigates and both Type 22 frigates then in service. Five out of eight operational SSN were deployed to the South Atlantic, as were almost the entire Royal Fleet Auxiliary. Britain's only commando brigade was committed, as was the army's rapid-deployment 5 Brigade. The RAF's tanker aircraft fleet was put under immense pressure, and a substantial merchant marine fleet was also requisitioned.

8.4 Such was the deployment of forces in the South Atlantic that, for many months in 1982, Government policy for the defence of the United Kingdom was impaired.

8.5 Since the end of the conflict the costs have been considerable. Six months after the end of the war the Falklands garrison stood at 7,000. Even three years after it still involves 4,000, with hundreds more on Ascension Island. For some two years the Falklands naval patrol involved five frigates and destroyers at any one time. Allowing for time of passage, replenishment, repairs, trials and leave, this tied up at least 13 ships. Even assuming a 75 per cent operational availability of Royal Navy ships, one finds that for a period Fortress Falklands has absorbed over 25 per cent of the Royal Navy's entire escort fleet.

8.6 Even now, three years after the conflict and with three patrol vessels specially purchased, converted and permanently stationed in the South Atlantic, the Royal Navy still has to commit 10 per cent of its escorts to the defence of the Falklands.

8.7 The depletion of specialists from our armed forces in order to maintain the garrison has been little short of spectacular. For example, for two years some seven squadrons of Royal Engineers, numbering some 1,400 men and representing the technical elite of the British Army, were committed 8,000 miles from Britain and from the British Army of the Rhine.

8.8 The Falklands garrison requires many different aircraft types and they operate under arduous conditions. They include Phantoms, Hercules, Harriers, Gazelles, Chinooks, Sea Kings, Wessex and Lynx. Maintenance and repair crews, together with a wide range of spares and specialist equipment, have had to be deployed from Britain and Germany, stretching resources, particularly of highly skilled manpower.

8.9 In certain cases the aircraft deployments themselves are a strain on resources. We note that for the RAF's only high-capacity transport helicopter, the B-V Chinook, one fifth of the RAF's entire inventory, six out of 30 machines, was deployed in the Falklands as of January 1985.

8.10 The military costs of the Falklands war, and also its aftermath, have thus been considerable. Even today, they represent a severe strain on resources which would ordinarily be available for NATO and UK defence commitments.

8.11 It has not proved possible for Parliament to obtain precise breakdowns of the costs of the Falklands war and the subsequent garrison in the Islands. What can be given are the published general figures. Costs for 1982–83 include those of the war itself, equipment replacement and garrison costs. Those for later years include capital and recurrent garrison costs and the cost of further equipment replacement. These are:

1982–83	£800 million
1983–84	£624 million
1984–85	£684 million
1985–86	£552 million
1986–87	£450 million
1987–88	£300 million

Total expenditure from 1982 to the end of the life-time of the present Parliament are therefore likely to be of the order of £3.4 thousand million, approximately £2 million per Falkland Islander.

8.12 It is salutary to note that projected costs for 1987–88, five years after the conflict, are close to £1 million per day. The Committee, in its earlier Report[130] pointed out that it is costing us about a thousand times as much to defend each Falklander as to defend each Briton.

8.13 It should be noted that HM Government estimates the garrison costs excluding salaries of sevicemen in the South Atlantic, on the grounds that these expenses would be incurred in any case. It might be possible to argue such a position for a temporary defence commitment, but, under present Government policy, the commitment shows every sign of becoming permanent. Forces guarding the Falklands cannot contribute to the security of Britain and NATO some 8,000 miles away.

8.14 The Government's military policy in the South Atlantic has cost us many lives and serious injuries. It is still costing lives and serious injuries. It seriously weakened Britain's security in 1982. It continues to weaken Britain's security. It was a very expensive policy in financial terms in 1982. It is an expensive policy now.

8.15 The Falklands war provided an immediate military solution to an essentially long-lasting political problem. It was not a long-term solution, and the price of neglecting that long-term solution, both during 1982 and since, is with us now and is costly in life, limb and resources.

9. The Next Steps

9.1 We have tried to penetrate the layers of official secrecy surrounding the pivotal weekend of 1–2 May 1982 when the *Belgrano* went down and with it, by design or coincidence, the Peruvian-American peace initiative. In the process new discrepancies have emerged between evidence heard by the Committee and statements recorded in the Official Report. It is not for us but for the Government to attempt to reconcile the differences or to correct the record if the conventions of the constitution are to be observed and the ancient usage of Parliament is to be respected. And it will be for people and Parliament to judge whether this has been honourably done.

9.2 In this report the inconsistencies have been demonstrated and discussed. Several have been supplemented by the recollections of leading participants in articles, interviews and speeches, and these have provided new perceptions about what actually happened and about the reasons why they happened. Leakages of information, losses of vital evidence or flat ministerial refusals to produce it and the trial and acquittal of a senior Ministry of Defence official appear to us to be proofs and symptoms of the deep unease on the issues inside as well as outside the government apparatus. That unease has not been alleviated by continuing and changing official explanations offered for the sinking of the cruiser.

9.3 We have observed that the Prime Minister has elevated the emphasis on the threat to the Task Force from the *Belgrano* as such to a threat from the Argentine Navy as a whole;[131] and that Lord Lewin shifted that emphasis from the notion suggesting the cruiser represented a potential threat to the argument that it was an impediment to the landing of British special forces on the Islands.[132] We have noted patent logic-chopping about the meaning of the 23 April 1982 warning which required the Government to clarify it in its 7 May 1982 letter (too late for the *Belgrano*'s crew), and which thus became vested with so broad an application as to render the concept of a Total Exclusion Zone pointless. Under the Government's interpretation of Article 51 of the UN Charter *any*

[130] Fifth Report from the Foreign Affairs Committee, Session 1983–84 (Falkland Islands) (HC 268–I), para 48.
[131] Letter to Mr Denzil Davies, 4 April 1984.
[132] Interview with Arthur Gavshon, *Guardian*, 14 February 1985.

Argentine ship sighted on the high seas of the South Atlantic could be destroyed "in self-defence" whether it was an actual threat or not.

9.4 We have found it puzzling that Lord Lewin saw a need to amend the date when, as he understood things, the War Cabinet had abandoned hope of a peaceful settlement, meaning that the option of a purely military solution had been chosen: in the Gavshon-Rice interview he reported that this took place around 25 or 26 April[183] 1982, while to the Foreign Affairs Committee he changed the timing to 30 April.[184] In the same context we were intrigued by Sir John Nott's flat contradiction of both the assertions by Lord Lewin.[185] Finally, we were astonished to hear Lord Lewin *and* Sir John Nott charge on 5 December 1984[186] that Argentine propaganda claims of British losses had influenced the decision of the War Cabinet to change the Rules of Engagement. A telephone call to Northwood would have confirmed the falsity of these claims plus the fact that attempted Argentine attacks were responses to the British offensive on 1 May. Against such a background of continuing misstatements we consider that these were not only deplorable but also cynical; the effect has been to deepen our doubts about the credibility of the Government and about the maturity of the War Cabinet's judgments.

9.5 We are aware that many of our fellow-citizens resent what may seem to them to be raking over the coals rather than allowing an impressive military achievement to take its place in the country's postwar history. We salute that achievement, and stress that we recognise the courage and sacrifice displayed by the thousands of servicemen and women and civilians who contributed to it. We have nevertheless to say that the issues raised by the *Belgrano* incident are, in our view, crucial to those very people and to the interests of our nation in the longer term.

9.6 The overall conduct of the war, as we see it, has undermined confidence in the ability of this British Government to manage crises in the nuclear age when the calibre of leadership in the heat of a crisis should be demonstrated by a balance of diplomatic and military activity and not by over-readiness to press the red button. Nor do we believe that matters relating to the competing demands of secrecy and open government, of ministerial accountability to Parliament, can be solved by turning up the volume of the National Anthem.

9.7 We are satisfied that the decision to sink the *Belgrano* was partly influenced by outdated by outdated and incomplete assessments. We have learned from Lord Lewin that the War Cabinet's approach to a negotiated settlement was conditioned by factors relating to the survival of the Conservative Government.[187] We know that Ministers from 4 May 1982 onwards failed consistently to tell Parliament the truth.[188] We have described the lack of co-ordination within the Government before and after the invasion; the difference between a purely military solution, which on the evidence the Government appeared to adopt rather than the use of military measures to support diplomatic action, which was their public posture. Military escalation, as distinct from minimum force, was chosen by the Government as the prime means of achieving its purpose long before it was necessary or could be justified.

9.8 Until this decision was taken, a consequence of which was that both the *Belgrano* and opportunities for a diplomatic initiative were sunk, no British lives had been lost. Afterwards 255 died, 700 were wounded or maimed and thousands were placed at a knife edge risk. We therefore conclude that there is not only a prima facie case for HM Government to answer in respect of their failure to prevent the conflict and of their management of it, but also in respect of their attempts to mislead Parliament and cover up vital facts which now reveal a different state of affairs.

9.9 We have found that the powers of the Foreign Affairs Committee properly to pursue its investigation are too circumscribed and our work as a Select Committee of the House of Commons has been obstructed in our attempts to get at all the facts. We

[183] *Guardian*, 2 October 1984.
[184] Q582.
[185] Q582.
[186] eg Q634.
[187] *Guardian*, 7 October 1984.
[188] See Section 7.

therefore call on the House of Commons to set up its own inquiry, conducted by persons who will have the right of access to all information, including security information.

9.10 Amongst the matters which we recommend that this inquiry should consider are:

1. Why was no notice apparently taken of the warnings from both the Joint Intelligence Committee and Lord Carrington about the possibility of an Argentine invasion of the Islands?
2. Why did Sir John Nott fail to respond to Lord Carrington's repeated warnings about the likely consequences of the withdrawal of *Endurance*?
3. Why was the Prime Minister's instruction (minuted on Ambassador Williams' report of 3 March 1982) to make contingency plans not carried out?
4. What considerations prevented the despatch of a naval force to the South Atlantic in early March 1982?
5. Were any relevant and significant state documents withheld from the Franks Committee?
6. After Mr Pym's statement in the House on 21 April 1982, what influences were brought to bear on him, and why, to induce him to return to the House and amend his statement?
7. Why did it take 11 days to deposit in the Library of the House a copy of the 23 April warning? What steps were taken to publicise its terms, other than those mentioned in this Report?
8. What communications passed between the Foreign and Commonwealth Office and the British Embassies in Washington and Lima during April and May 1982?
9. In addition to official communications, what information, if any, about the Peruvian peace initiative did the Prime Minister or other Ministers receive from other sources, including the United States Embassy in Lima, or sources in Britain or elsewhere?
10. What were the considerations which led to the decisions to escalate military activity in the South Atlantic on 1 May 1982, and when were they taken?
11. What range of military opinion did the War Cabinet consult when considering military policy for the period after the arrival of the Task Force in the latitude of the Falklands but before the amphibious force could arrive some two weeks later?
12. What information can be obtained from the Government of Peru about the conduct of the Peruvian peace proposals and about the information on them passed by the then Peruvian Government, officially or unofficially, to HM Government?
13. Did HM Government ignore the report from the British Ambassador in Lima of his conversation with the Peruvian Foreign Secretary on 30 April 1982? If so, why? If it was not ignored, what action was taken, and to whom was information sent?
14. Why was no consideration given, at the meeting of the War Cabinet on 30 April, to the significance of the United States declaration of support for the UK, and particularly to its economic and political impact on the Junta and on the political balance of power within ruling circles in Argentina?
15. What advice did the War Cabinet receive concerning the scope of military action possible within the terms of Article 51 of the UN Charter and Resolution 502 of the Security Council?
16. What consideration was given to the ideas contained in the Pym Memorandum of 1 May at the War Cabinet meetings of 30 April and 2 May 1982? Why were Mr Pym's proposals rejected?
17. Why was the Foreign Secretary, on mission in Washington, not consulted about the changes in the Rules of Engagement made on 2 May 1982 to permit the sinking of the *Belgrano* and other Argentine warships outside the territorial waters?

18. Was Mr Pym right in declaring that President Belaunde's proposals were "only outlines", or was Secretary Haig right in believing that they were firm enough to form the basis of an agreement?

19. Why did the Government ignore or defy the United Nations Resolution 502 which it had itself drafted?

20. Why was there no meeting of the Mandarins Committee before the War Cabinet deliberations of 2 May?

21. Was the decision to sink the *Belgrano* not taken by the War Cabinet but by an impromptu and unminuted gathering assembled by the Prime Minister or Lord Lewin? Who was present at the respective meetings? At which meeting was the decision formally made and minuted?

22. When was the likelihood of a specific initiative from the Secretary-General of the United Nations known to the Prime Minister and the War Cabinet? When was it known that the Secretary-General and Mr Pym would be meeting on the evening of 2 May?

23. Did Admiral Lord Lewin, before going to Chequers on 2 May, consult the Chiefs of Staff and senior naval officers on changing the Rules of Engagement; and if so (a) what was their advice, and (b) why were these consultations not revealed?

24. What intercepts were made, and when, of orders to the Argentine fleet; which of them were decoded, and when; which of the decrypts were passed to Northwood, and when; and which were then passed to the War Cabinet, and when? Were the *Guardian* and *Observer* reports on this matter (see para 6.11 above) correct?

25. What are the answers to the questions which we proposed the Committee should ask and which the Committee decided not to ask?[189]

26. What minutes or instructions, other than the Legge minute and the Baker minute, were passed in the Department of Defence or other Departments designed to suppress or falsify information which should have been given to Parliament?

27. How far was national security used to justify the suppression of information which had no security implications?

28. How could it have been impracticable to translate the Rules of Engagement into lay language for the Committee when that had already been done for the War Cabinet?

29. What are the answers to the four questions in para 6.8 above?

30. What other untrue or misleading statements were made by Ministers to Parliament in addition to those set out in paras 7.6–7.16 above?

9.11 A confident Government, ready to account fully for its actions, would willingly submit its case before a parliamentary enquiry. This administration has refused to do so and has instead, sometimes with truculence, concealed the facts behind the easy shield of national security. The men who lost their lives in the war over the Falklands deserve a better tribute, and parliamentary democracy will not be seen to be effective unless such an inquiry takes place.

[189] These questions are Nos 1, 3 to 9, 11, 13 to 17, 19, 21, 22, 24 and 29, set out in the Minutes of Proceedings for 16 January 1985.

10 Summary of Main Points

The Government did not draw a distinction between the interests of the Administration of the day and those of the nation as a whole. (Para 1.12)

We believe that Her Majesty's Government's suppression of information and facts from our Committee, from Parliament and from the public is in no way justified on grounds of national security. All these aspects meet in events surrounding the sinking of the *Belgrano*, and reveal what the Government have been attempting to conceal: a hasty and unjustifiable decision to risk many lives and a possible disaster in order to ensure the life of an administration which was itself palpably negligent. To do this it needed to strike a posture inconsistent with its actual conduct, and did so. (Para 1.13)

Both Lord Carrington and the Joint Intelligence Committee made it clear late in 1979 and early 1980 that unless the Argentines thought that their talks with HM Government would prove fruitful there was a distinct possibility of an invasion, but when those precise circumstances arose no action was taken. (Para 2.6)

On receiving reports from the British Ambassador in Buenos Aires (3 March 1982) of the possibility of an invasion of the Islands the Prime Minister minuted "We must make contingency plans", but this instruction was never carried out. (Para 2.14)

In the period before the invasion there was an extraordinary lack of co-ordination between the Ministry of Defence and the Foreign Office. (Para 2.16)

The Franks Report shows very clearly that it was primarily the Prime Minister and Mr Nott who made the wrong decision about *Endurance*, and their culpability has not been sufficiently recognised. (Para 2.17)

The Ministry of Defence Statement of 7 May 1982 cannot be reconciled with United Nations Resolution 502. (Para 2.24)

Similarly the statements by the Prime Minister and Mr Nott during the debate on 3 April 1982 run counter to Resolution 502. (Para 2.27)

The Prime Minister ignored the role that limited force, or even its threat, could play in obtaining a negotiated settlement which would uphold the principle that force should not pay, pave the way to the long-term solution of the British-Argentine dispute, and satisfy parliamentary and public opinion in the United Kingdom. There would most probably have been majority support in the House of Commons for a skilful combination of economic, diplomatic and military measures. (Para 3.3)

It is clearly possible that the reluctance of HM Government to reveal the changes in the Rules of Engagement and the reasons for them was intended at least as much to hide the decisions which were being made as to safeguard national security. (Para 3.16)

We understand that secrecy was necessary for military operations, but that would not justify the denial of other information to the House of Commons or the public. (Para 3.18)

Mr Pym's statement to the House on 21 April 1982 coincided with the view of most Members that they did not want to use force and would condone it only if all else had been seen to fail; but some other person, or persons, clearly saw force being used some time *before* that position had been reached, and thought it important enough for Mr Pym to go back to the House to say so. (Para 3.22)

Lord Lewin's account of how the War Cabinet came to authorise the retaking of South Georgia provided its own evidence of the way a confident military establishment was able to impose its will on an uneasy and reluctant hierarchy. Indeed, he said that Sir John Fieldhouse and he were keen to "have a go" because they needed a success. (Para 3.23)

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We do not think that effective political control was devoted to avoiding risk to British and Argentine lives and to solving a vexing problem that had been around too long. (Para 3.27)

We are unconvinced by the reasons given by Lord Lewin for the warning of 23 April. (Para 3.31)

The debate in the House on 29 April 1982 was distorted because the terms of the 23 April warning had not been made explicit before the debate. (Para 3.37)

We do not accept Mr Heseltine's rejection of the suggestion that Mr Pym's visit to the United States on 1–2 May was a cosmetic exercise. (Para 3.43)

A pause in military activity between the arrival of the naval Task Force and the arrival of the land forces would have lessened the risk to the Task Force. (Para 3.47)

The War Cabinet had already decided, before it was known whether or not the Haig initiative would fail, to risk the men and ships of the Task Force at once without attempting further diplomatic initiatives or responding to any that others might provide. (Para 3.48)

After that decision any visit by Mr Pym to New York, or any initiative of the UN Secretary General, was likely to be vitiated by the next military steps then being planned by the War Cabinet. (Para 4.7)

Some Ministers recognised that political embarrassment could result from the sinking of an Argentine warship in certain locations, but that recognition was not applied to the *Belgrano* because by 2 May all political considerations were overlaid by the urge to military escalation. (Para 4.13)

At that point the best course for avoiding death and injury to our servicemen would have been the pursuit of diplomatic action. Conversely, the escalation of military action, especially the dramatic escalation represented by the sinking of the *Belgrano*, was the direct cause of the loss of life and limb by our servicemen arising out of the retaliatory attacks, including that on *Sheffield*. We note that before the sinking of the *Belgrano* not a single British life was lost by enemy action. (Para 4.17)

From Lord Lewin's account of the meeting of the War Cabinet on 30 April we can conclude that, contrary to the conciliatory and constructive content and tone of the Prime Minister's Commons speech of less than 24 hours previously, only military action was being considered, with objectives and a timetable set some time previously. (Para 4.19)

We have reason to believe that during the discussions on 1–2 May between Mr Haig, Mr Pym and Sir Nicholas Henderson, the Secretary of State sounded out what might be HM Government's reaction to giving a few days to one more attempt at negotiation, with a temporary ceasefire for that period, but was told that the War Cabinet would not do anything that might lessen their potential for military action. Thus did the War Cabinet turn its back on the Churchill doctrine that jaw jaw jaw is better than war war, and thus was the door finally slammed on any prospect of settling the conflict without the loss of many hundreds of British and Argentine lives. (Para 4.20)

The War Cabinet's failure to act on the "Pym memorandum" put the Foreign Secretary in an unfair position by sending him to Washington for discussions which they knew were likely to be torpedoed. (Para 4.22)

It is possible that the attacks on the Falklands by the Task Force on 1 May could have encouraged Argentine military circles to reassess their policy and become more responsive to any further diplomatic approach. Such a trend might well be reinforced by the memo of the declaration of support for the UK by the USA on the day before and by the failure of the counter-attacks on 1 May. Had British plans or actions been confined to these attacks, it is conceivable that they could have been represented as military actions in support of diplomatic pressure. (Para 5.6)

We were unable to detect from the evidence of Admiral Lewin any grounds for the sinking of the *Belgrano* other than the generalised contention that any Argentine ship in the Atlantic outside the 12-mile limit was a threat to the mission of the Task Force. (Para 5.6)

It was reasonable for the Peruvian Government to assume that on the morning of 2 May 1982 Mr Pym would be on the line to Chequers as Mr Haig was to Lima. (Para 5.8)

In our view the possibility of a link between the Peruvian Peace initiative and the sinking of the *Belgrano* is still an open question. The government's suppression of evidence and giving of false evidence throughout the whole of this affair make it risky to base a firm conclusion on what they have said, and that is one reason why we recommend a further enquiry. (Para 5.16)

During his 1–2 May visit to Washington and New York, the Foreign Secretary was receiving constructive proposals for preventing war from the Secretary of State of the USA and from the Secretary-General of the United Nations knowing that he could do little about them for reasons he could not divulge. He would have known since the previous Friday that news of an attack on, or even the sinking of, the *Veintecino de Mayo* could break at any time. (Para 5.20)

During the criticial weekend the War Cabinet must have known that proposals which were at least hopeful for fulfilling publicly avowed objectives were about to be launched by the UN Secretary-General in New York. Moreover, this launching was awaited eagerly not only by the House of Commons but also by tens of thousands on land and sea. If the military actions approved through changes in the Rules of Engagement on 30 April and 2 May were not made in order deliberately to prejudice the chances of these negotiations, then at least they were approved on military criteria with little or no concern for action on the diplomatic front. We see no legitimate reason why, before ordering the *Belgrano* to be sunk, a telephone call could not have been made to Washington to ascertain from the Foreign Secretary what were the prospects of a negotiated settlement. (Para 5.27)

The decisive meeting which changed the Rules of Engagement in order to sink the *Belgrano* may not have been a formal meeting of the War Cabinet but an informal gathering, which met before lunch that day. This impromptu action circumvented the safeguards of the Mandarins Committee used in every other case of a change of Rules of Engagement and pre-empted decision-making at the enlarged War Cabinet meeting. (Para 5.28)

The attack on the cruiser was authorised partly on the basis of out-dated and incomplete assessments. Rather than acknowledge these shortcomings or inconsistencies, Ministers chose to provide Parliament with less-than-accurate accounts of what actually happened, and so their cover-up began. (Para 6.1)

From the outset British Ministers claimed that the *Belgrano* group, with the *Veinte-cinco de Mayo*, was engaged in a pincer movement against the British Task force, but evidence in the public domain suggests that few facts can be adduced to support that assertion. Lord Lewin has acknowledged that the ministerial claim was essentially speculative. (Para 6.4)

We find it strange that Admiral Lewin was not informed immediately of the signal to recall the Argentine fleet to home waters. (Para 6.9)

Initial ministerial explanations of the *Belgrano's* destruction were less than frank . . . HMG had seemed to overstep the rights of self-defence set out in Article 51 of the UN Charter which had been invoked to justify virtually all British military action. The effect of the Chequers decision was to create a state of undeclared war against Argentina. (Paras 6.10, 6.11)

We take the view that the Commander of *Conqueror* conducted himself with commendable care and responsibility in the way in which he appeared to check an order that bore little relation to the needs of the moment. (Para 6.11)

We cannot understand the lack of urgency and clarity in the way the Royal Navy's intelligence establishment seem to have communicated and interpreted the content of intercepts processed by GCHQ. (Para 6.12)

We do not accept that it is right for Ministers to invest the process of gathering and assessing intelligence with the aura of mystique that allows them arbitrarily to conceal, misuse or distort information on which they base decisions vitally affecting our people and their interests. We do not consider it is asking too much for mistakes to be acknowledged honestly when mistakes are made. In a dangerous world we can see no substitute for truth in the affairs of our people. (Para 6.13)

Some mistrust of ministerial statements is inevitable in view of the corrections which have had to be made by Ministers in respect of certain statements made during the conflict and in view of Ministers' outright refusal publicly to reveal the full extent and nature of the intelligence available to them during the conflict. (Para 7.1)

By withholding information Ministers actively contributed to the continuing speculation that the decision on 2 May was questionable on military, political or legal grounds, and to doubts about the truth of such information as was actually made available. (Para 7.2)

There is a long-standing convention that Ministers may refuse to answer questions on security grounds without giving further reasons; but this convention can be expected to survive only so long as it is not deliberately used as an excuse to prevent the disclosure of information which would merely be embarrassing to the government of the day rather than a threat to national security. (Para 7.3)

The main examples of untrue or misleading statements made by Ministers to Parliament are set out in paragraphs 7.6–7.12.

A sustained deception of Parliament by Ministers seriously undermines the accountability of the Executive to the House of Commons which is one of the essentials of our parliamentary democracy. We deplore the deception of Parliament, the failure of HMG to correct false statements at the earliest opportunity, and the subsequent reiteration of untrue or misleading statements by Government Ministers. (Para 7.16)

The Secretary of State for Defence made a conscious decision, in late March and early April 1984, to withhold certain information from Members not because its release would be detrimental to the national interest but because it could supposedly lead to further requests for information which would be difficult to deal with. (Para 7.20)

We find it difficult to accept the Prime Minister's explanation of the deliberate alteration of a critical date in Sir John Fieldhouse's despatch in December 1982. (Para 7.23)

The evidence given to the Committee on 7 November 1984 by the Secretary of State for Defence is critically examined in paragraphs 7.19—7.29. This examination satisfies us that HM Government's reluctance to give the Committee information was not on grounds of national security but had more to do with the Government's desire not to release information which would be inconsistent with previous ministerial statements and would therefore embarrass the Government. Evidence for this conclusion is provided, in addition to the Legge minute, by a minute from another Department of Defence official dated 3 July 1984. (Para 7.30)

We absolutely condemn HMG's deliberate attempt to obstruct a legitimate inquiry by a parliamentary Select Committee which had the right to inquire and get truthful answers. (Para 7.31)

Our inquiries have exposed the Legge minute and the Baker minute, but we do not know how many more similar but undisclosed minutes exist and were acted on in various Government departments. This strongly reinforces the case for the further independent inquiry which we recommend in Section 9 above. (Para 7.32)

The British garrison in the South Atlantic has operated, over the past three years, in an often inclement and hostile environment. In such circumstances accidents occur, and

they lead to scores of injuries and some deaths. In such a manner do the human costs of the Falklands War continue, and will do so until there is a permanent political settlement between Britain and Argentina. (Para 8.2)

Such was the deployment of forces in the South Atlantic that for many months in 1982 Government policy for the defence of the United Kingdom was impaired. (Para 8.4)

The present deployment of forces resulting from the aftermath of the Falklands war represents a severe strain on resources which would ordinarily be available for NATO and UK defence commitments. (Paras 8.5–8.10)

The Committee, in an earlier Report, pointed out that it is costing us about a thousand times as much to defend each Falklander as to defend each Briton. (Para 8.12)

The Falklands war provided an immediate military solution to an essentially long-term problem and the price of neglecting a long-term solution, both in 1982 and since, is with us now and is costly in life, limb and resources. (Para 8.15)

We salute the courage and sacrifice displayed by the thousands of servicemen and women and civilians who took part in the Falklands war. However, we have to say that the issues raised by the *Belgrano* incident are, in our view, crucial to those very people and to the interests of the nation. (Para 9.5)

The overall political conduct of the war, as we see it, has undermined confidence in the ability of this British Government to manage crises in the nuclear age when the nerve and calibre of a leadership in the heat of conflict can be demonstrated best by its refusal, and not by its over-readiness, to press the red button. Nor do we believe that matters relating to the competing demands of secrecy and open government, of ministerial accountability to Parliament, can be solved by turning up the volume of the National Anthem. (Para 9.6)

We call on the House of Commons to set up its own new inquiry into this whole affair, conducted by persons who will have the right of access to all information, including security information (Para 9.8); and we list some of the matters which this inquiry should consider. (Para 9.9)

A confident Government, ready to account fully for its actions, would willingly submit its case before a properly constituted independent inquiry. Those who lost their lives in the war over the Falklands deserve no less, and parliamentary democracy will not be seen to be effective unless this is done. (Para 9.10) "

Motion made, and Question proposed, That the Chairman's draft Report be read a second time, paragraph by paragraph.—(Mr *Jim Lester.*)

Amendment proposed, to leave out the words "Chairman's draft Report" and insert the words "draft Report proposed by Mr Nigel Spearing".—(Mr *Ian Mikardo.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 4	Noes, 6
Mr Dennis Canavan	Mr Robert Harvey
Mr Ian Mikardo	Mr Ivan Lawrence
Mr Nigel Spearing	Mr Jim Lester
Mr Michael Welsh	Mr Norman St John Stevas
	Mr Peter Thomas
	Mr Bowen Wells

Main Question put.

The Committee divided.

Ayes, 6	Noes, 4
Mr Robert Harvey	Mr Dennis Canavan
Mr Ivan Lawrence	Mr Ian Mikardo
Mr Jim Lester	Mr Nigel Spearing
Mr Norman St John Stevas	Mr Michael Welsh
Mr Peter Thomas	
Mr Bowen Wells	

Ordered, That the Chairman's draft Report [The events surrounding the weekend of 1–2 May 1982] be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 4.10 read and agreed to.

Paragraph 4.11 read, amended and agreed to.

Paragraphs 4.12 to 4.14 read and agreed to.

Paragraph 4.15 read, amended and agreed to.

Paragraphs 4.16 to 4.22 read and agreed to.

Paragraph 4.23 read, amended and agreed to.

Paragraphs 4.24 to 4.26 read and agreed to.

Paragraphs 4.27 to 4.29 read, amended and agreed to.

Paragraphs 4.30 to 8.1 read and agreed to.

Paragraphs 8.2 read, amended and agreed to.

Paragraphs 8.3 to 9.30 read and agreed to.

Paragraph 9.31 read, amended and agreed to.

Question put, That the Report, as amended, be the Third Report of the Committee to the House.

The Committee divided.

Ayes, 6	Noes, 4
Mr Robert Harvey	Mr Dennis Canavan
Mr Ivan Lawrence	Mr Ian Mikardo
Mr Jim Lester	Mr Nigel Spearing
Mr Norman St John Stevas	Mr Michael Welsh
Mr Peter Thomas	
Mr Bowen Wells	

Ordered, That the Chairman do make the Report to the House on 22 July 1985.

Ordered, That the provisions of Standing Order No 92 (Select Committees (reports)) be applied to the Report.

Several papers were ordered to be appended to the Minutes of Evidence.

Ordered, That the Appendices to the Minutes of Evidence taken before the Committee be reported to the House.

The Committee further deliberated.

[The Committee adjourned.

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[1] *Note:* Witnesses who gave evidence to the Foreign Affairs Committee on this matter in Session 1983–84 in the course of its inquiry into the Falkland Islands (Fifth Report (HC 268 I & II)) are listed on page cxxvi. The extracts of evidence they gave are reproduced as Appendix 1.

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Books, etc

O R Cardoso, R Kirschbaum and E Van der Kooy, *Malvinas: La Trama Secreta* (Sudamericana/Planeta, Buenos Aires, 11th edition, January 1984) [brief translated extracts reproduced as Appendix xx]

Alexander M Haig, Jr, *Caveat: Realism, Reagan, and Foreign Policy* (Weidenfeld & Nicholson, London, 1984)

Clive Ponting, *The Right to Know: The Inside Story of the Belgrano Affair* (Sphere Books, London, 1985)

Desmond Rice and Arthur Gavshon, *The Sinking of the Belgrano* (Secker & Warburg, London 1984)

Sir Nicholas Henderson, "America and the Falklands: Case Study in the behaviour of an ally" (*Economist*, 12 November 1983)

Dr Robert L Scheina, "The Malvinas Campaign" and "Where Were Those Argentine Subs" (*Proceedings* of the US Naval Institute, 1983 and 1984) [Reproduced, with permission, as Appendices 6 and 7].

Transcripts of Television Programmes

"Panorama", BBC 1 Television, 16 April 1984.

"Brass Tacks" ("Belgrano: The Annan Report"), BBC 2 Television, 7 November 1984.

"World in Action" ("Belgrano: A View from the Conqueror"), Granada Television, 3 December 1984.

Numerous newspaper articles between April 1982 and February 1985.

D

MINUTES OF EVIDENCE TAKEN BEFORE THE FOREIGN AFFAIRS COMMITTEE

WEDNESDAY 7 NOVEMBER 1984

Members present:

Sir Anthony Kershaw, in the Chair

Mr Dennis Canavan
Mr Robert Harvey
Mr Ivan Lawrence
Mr Jim Lester
Mr Ian Mikardo
Mr Norman St John-Stevas
Mr Nigel Spearing
Mr Peter Thomas
Mr Michael Welsh

CHANGES IN THE SOUTH ATLANTIC RULES OF ENGAGEMENT[1] DURING OPERATION CORPORATE APRIL–JUNE 1982 (FI 48)

Memorandum by the Ministry of Defence

1. Rules of Engagement (ROE)—the detailed guidance given to Commanding Officers prescribing the circumstances in which they may engage the enemy—were changed very frequently during Operation Corporate between 2 April and 15 June 1982. The ROE were updated continually, reflecting changes in the Task Force's position and its composition; the allocation of new missions to the Task Force by the War Cabinet; and the nature of the Argentine response. The ROE and their evolution in response to these factors was kept under close political control by the War Cabinet.

2. Examples of this process of evolution include the changes to the ROE for submarines which allowed them discretion to attack certain targets within the zone, following the declaration of the Maritime Exclusion Zone (MEZ) on 12 April. There were special ROE devised on 15–16 April 1982 for the operation to recapture South Georgia, because the ROE under which the task force was making its transit from Ascension were not appropriate for a direct operation against Argentine held territory. Similarly the rules were of necessity changed again when the MEZ was translated into the Total Exclusion Zone on 30 April. Separate ROE existed for the Terminal Control Area established round Ascension. Examples reflecting Argentine response to our operations are the provision of ROE to deal with Argentine Boeing 707 aircraft which began to shadow the fleet south of Ascension Island, and the change in the ROE by which we allowed our warships to attack the *General Belgrano* outside the total exclusion zone. In connection with the latter change it is however, important to remember that the legal basis for it was our right to take measures in exercise of our inherent right of self-defence, as recognised in Article 51 of the UN Charter; and, in particular, the warning conveyed to the Argentine Government on 23 April that in exercise of that right "any approach on the part of Argentine warships, including submarines, naval auxiliaries, or military aircraft which could amount to a threat to interfere with the mission of the British forces in the South Atlantic, will encounter the appropriate response".

MOD
July 1984

[1] See also further memorandum, Evidence page 27.

The cost of printing and publishing these Minutes of Evidence is estimated by Her Majesty's Stationery Office at £2,400.

Examination of witness

THE RT HON MICHAEL HESELTINE, a Member of the House, Secretary of State for Defence, examined.

Chairman

1. Mr Heseltine, we are very grateful to you, as a Committee, for coming before us today and for agreeing to give evidence in public. Before we continue, perhaps I can read a statement to inform people how matters stand and why we are having this sitting this morning. There has been widespread speculation and comment in the press, and on radio and television, about the circumstances which have led up to this meeting and about the nature of the inquiry on which the Committee is now engaged. It may be helpful if I now state the facts. The Committee was not appointed until December 1983, and at its first meeting agreed to revive its predecessor's inquiry into the future of the Falkland Islands, which had been cut short by the General Election in June last year. In February of this year the Committee decided that its inquiry into the future of the Falkland Islands should include an examination "of the prospects for a negotiated settlement of the dispute between the United Kingdom and Argentina over the Falkland Islands in the light of the establishment of a democratic regime in Buenos Aires and in the light of previous failures to secure such a settlement." In the context of this latter part of our terms of reference, Members of the Committee took the opportunity in public session of questioning a number of witnesses—including Sir Nicholas Henderson, Sir Anthony Parsons and Mr Francis Pym—about the events of 1 and 2 May 1982 and the alleged relationship between the sinking of the Argentine cruiser *General Belgrano* and the failure of the so-called Peruvian peace proposals. While giving evidence in public on 20 June, the Minister of State for Foreign Affairs, Lady Young, was asked by a Member to provide a note to the Committee listing all the changes which had taken place in the Rules of Engagement for the Task Force during the conflict, together with the dates and the reasons and the outcome of those changes, in order to establish the full meaning of a previous statement to the Committee by Mr Pym that the Rules of Engagement had been changed "quite a number of times in the course of the war". The Committee eventually received, by way of answer to this request, a short paper from the Minister of State for the Armed Forces providing a general commentary on the Rules of Engagement, but not the specific information asked for.[1] Copies of this paper are available in the Committee Room today. Almost simultaneously, the Committee received from a Member of the House, a copy of a document purporting to be an internal MOD Memorandum in which advice is offered to Ministers about how the Committee's request for information should be answered.[2] A transcript of this paper has since been published in a weekly journal. On receiving Mr Stanley's Memorandum, and the other paper to which I have referred, the Committee immediately decided (at a meeting on 25 July) to invite the Secretary of State, or another Minister nominated by him, to attend to give evidence to provide, amongst other things, an explanation of the reasons for the MOD's decision not to answer the Committee's request for specific information about the Rules of Engagement. The Secretary of State agreed within a matter of days to attend to give evidence to us. At the same time the Committee decided to provide the Secretary of State, as a potential witness, with a copy of certain evidence which had come into its possession which was germane to the evidence which he would be asked to give today. This evidence comprised the purported internal MOD Memorandum to which I have already referred, and another document which had been submitted to the Committee in evidence at the same time and purported to be a draft ministerial letter to Mr Tam Dalyell. The Secretary of State was originally invited to give evidence to us in private. In view of the disclosures in August and the subsequent public discussion and comments, the Committee subsequently decided to invite the Secretary of State to give part of his evidence in public, and this he has agreed to do. It may well be that the Secretary of State will wish to defer some of his answers until a private session and this we understand. A transcript of both the public and any private session will, however, be publi-

[1] This paper, submitted on behalf of the Secretary of State for Defence but sometimes referred to as Mr Stanley's Memorandum is printed at the head of this day's Evidence (page 1).

[2] Not reported.

HOUSE OF COMMONS

FOREIGN AFFAIRS COMMITTEE

Session 1984–85

MINUTES OF EVIDENCE

Wednesday 7 November 1984

THE EVENTS SURROUNDING THE WEEKEND OF 1–2 MAY 1982

Rt Hon Michael Heseltine MP

Ordered by The House of Commons *to be printed*
7 November 1984

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[Chairman *Contd.*]

shed in due course, and it will be for the Committee to decide what passages, if any, of the private session should not be included in that published transcript. This the Secretary of State understands. Finally, I must stress that it is no part of our inquiry to investigate the circumstances in which the papers concerned came into the possession of the Member who submitted them to us, or the motives of those who may have been responsible.

Secretary of State, could I start the questioning by asking the following: on 26 July I handed to you a letter inviting you to give evidence before the Committee and copies of two documents which had been submitted to the Committee by Mr Tam Dalyell. Are we correct in assuming these documents are what they purported to be, namely, (a) a memorandum from Mr J M Legge, Head of DS 11, containing advice to Ministers about how the Committee's request for information on Rules of Engagement ought to be answered, and, (b) a draft ministerial letter to Mr Dalyell. Can you, for the record, confirm the authenticity of the documents?

(Mr Heseltine.) Yes, I think they are photocopies of documents within the Ministry of Defence.

2. Could I come to Mr. Stanley's memorandum?

(Mr Heseltine.) Could I clarify one point about the words "Mr Stanley's memorandum". He did actually sign it but it should be seen as my memorandum, he signed it with my knowledge and approval. I had seen it and he signed it because it seemed to conform to a commitment we had given that he would carry out the work. It should be absolutely clear it is my memorandum.

3. Very well. I am grateful to you. Could I turn to the Legge memorandum? This sets out a number of reasons why our request for information about the Rules of Engagement should not be answered in full. The first reason was that the Rules of Engagement are classified and it went on to say that the Committee have indicated that they would prefer the note to be unclassified. Of course, like most Committees, we prefer as much or our evidence as possible to be unclassified but we would expect, where this is not possible, to be provided with the information on a classified basis, or to be told that the information on a classified basis, or to be told that the classified nature of the material precluded the submission of unclassified evidence. Could I ask you why you did not provide us with a classified paper or explain to us that the classification of the information requested precluded its provision in an unclassified paper?

(Mr Heseltine.) I made inquires about this. I understand that there were verbal exchanges between the Clerk to your Committee and the officials in my Department, in which it was expressed that a non-classified paper would be preferred and it is on that basis that we worked. If there had been any wish on behalf of the Committee to pursue the matter further, in the light of the documents which we sent, of course it would have been possible then either to have proceeded to oral questioning on the matter, or for us to try to attempt to be more helpful in looking at further matters that might be of concern to you.

4. The second reason set out by Mr Legge is partly illegible on the copy of the paper we have but it appears to mean that since some of the Rules of Engagement are still in force their effectiveness would be diminished if disclosed openly to us. Is that in fact the case?

(Mr Heseltine.) That is the case. I do not know of any military practice whereby Rules of Engagement are revealed in public.

Mr Mikardo

5. Could I ask the Secretary of State whether the Rules are still in force and, if so, why? What is the perceived threat which keeps them in force?

(Mr Heseltine.) You have to have Rules of Engagement in order to enable the military to remain in political control. In whatever circumstances the military operate under, there are Rules of Engagement so they clearly know the remit which is in their responsibility from that political control; there are always Rules of Engagement.

Chairman

6. The third reason for non-disclosure offered by Mr Legge is that the production of a full list of changes in a form comprehensible to the layman would be "an extremely time-consuming exercise". Why did not Mr Stanley, either in his covering letter or in his memorandum, offer this as a reason for non-disclosure?

(Mr Heseltine.) I think that in the consideration by Ministers of the reasons that

6

[Chairman *Contd.*]

they provided, they would have taken those reasons which seemed to them the most convincing to a Select Committee of this House. Any Minister would be immensely reluctant in general terms to use arguments about the time taken to find information because we all understand that it is a very considerable responsibility on us to satisfy the legitimate interests of the Committees of this House. However, the fact does remain that it has proved to be an immensely time-consuming business which is still underway, although great progress has been made since the original documents and letters were exchanged.

7. On the point of whether it is comprehensible to us, presumably it has been made comprehensible to Ministers and if you can understand it, so can we.

(Mr Heseltine.) Yes, but it is classified information and it needs, in terms of turning it into the clearest possible and comprehensible document, to be translated for a layman's understanding.

Mr Mikardo

8. Mr Stanley told us in his memorandum that the War Cabinet kept the changes in ROE under close control. They could not have done that unless they had a list of the Rules of Engagement and a note of all the changes, and since the War Cabinet consists entirely of laymen that note must have been in a form comprehensible to laymen. Since the list existed then, because otherwise the War Cabinet could not have controlled the thing, and since it existed in a comprehensible form, why did it need a lot of work to submit it to the Committee?

(Mr Heseltine.) I think the way in which it would have worked in terms of the War Cabinet—and of course I was not a member of it, but as I would understand the situation from having been faced with similar situations and dealing with Rules of Engagement and changes to them—there are, as I mentioned in an earlier reply, always in existence comprehensive Rules of Engagement covering the discretion of the military. Those would not in the every day event of considering these matters be put again before Ministers, they would have been printed on earlier occasions as the relevance of the case determined. It is when a particular change is requested that that change would, of course, have been put to Ministers but in a layman's language. Once the particular decision had been taken the actual instructions would be communicated through the military chain.

9. So what you are really saying is that it would have been a large labour to have given us all we had asked for, and, in that case, why did you not offer the bit that could have been given without the large labour, namely, the bit which had already been prepared for the War Cabinet?

(Mr Heseltine.) We were asked, from my memory of the discussions with my colleague, Lady Young, for a comprehensive list, and if I remember the clerk, when writing to my Department, asked for all the information, and that is the question we addressed in reply. As I have said, if the Committee had wanted to be specific and to focus on a particular aspect of this, then they could have come back to us and asked us, and we could have addressed that particular refinement of the Committee's remit.

Mr St John-Stevas

10. I think Secretary of State what worries a number of us on the Committee is the spirit that lies behind this remark that you gave this Committee that an adequate reply would be "a time consuming exercise". But that is, after all, something that follows from the whole of Parliamentary Government and this particular system of Committee was set up in order that Parliament should exercise its scrutinising function more effectively. Therefore, this is bound to take up time for Ministers and civil servants and I certainly feel that this memorandum does reflect an attitude which is very unsatisfactory from the point of view of the working of the Select Committee system.

(Mr Heseltine.) Well I think that there are a number of points that come from that. First of all, as you will know, I strongly supported the concept of setting up these Select Committees—

11. I know, and I was extremely grateful to you and needed the support at the time!

(Mr Heseltine.) Yes, so across the great divide we are able to unite on that matter, and so as a Minister in charge of a Department I would not myself approach the answering of Select Committee questions from that point of view. But I cannot ignore the fact that if officials say to me that answering a comprehensive question of this sort is extremely time consuming, I have to be aware of that before I take decisions in any context and that includes this context. As I have said, the work has proceeded, and it has been an extremely extensive activity. It is not yet concluded. It does not alter the fact that the information itself is classified.

[Mr St John-Stevas *Contd.*]

12. Would it not have been more satisfactory from everyone's point of view if an account of that reasoning had been contained in Lady Young's reply to this Committee?

(Mr Heseltine.) But I think if I could refer the Committee to the remit from the Committee of what they wanted from us, they actually asked for a comprehensive list of all the changes, and they asked for it, as we understand it, in a form that could be published.

Mr Lawrence

13. The point is, Secretary of State, that if the sort of answer you give is very vague and unspecific and you explained that it would actually be too difficult or too long-winded to give the sort of explanation we asked for, some people will think that it is a cover up. Was it?

(Mr Heseltine.) But in order to establish that, my assumption would have been that if the Committee had felt that the matter had raised problems for it, they would have either asked for further and more specific information or asked to interview a Minister from the Department, and that is of course something we would have willingly agreed to as rapidly as we agreed to the request that followed the invitation that actually came.

14. Are you saying it was not a cover up?

(Mr Heseltine.) Of course it was not a cover up.

Mr Spearing

15. But Secretary of State, would you not agree that the request was for the dates, the reasons, and the outcome of the various changes in the Rules of Engagement, which up to that time had been thought to be few but you are implying are many. Now, instead, you supplied in the words of Mr Legge "a more general narrative". Why couldn't a table (it need not have been in full form) have been supplied of those changes? If there were 20 or 200 you could have said "I will give you the major ones". Wouldn't that have been a natural response?

(Mr Heseltine.) We were not asked for the major ones, and anyway, it is very difficult to make a judgment about what is a major Rule of Engagement change. So often what could appear to be a relatively small one could actually find, as a consequence, some major event following, which would in itself give a greater and enhanced significance to that change in the Rules of Engagement.

16. But you did not even supply, as I recall it, in the narrative any details as to the reasons and the outcome, except in the most general form. It was a question which was quite brief and specific, was it not?

(Mr Heseltine.) Well, I think what happened, setting the scene in context, is that Lady Young, a Foreign Office Minister, being interviewed by this Committee, made the point very clearly that this was a matter for the MOD and that the MOD would take up the situation and try to deal with the Committee's interest in the matter,[4] which is where we came into the scene. We then sent the memorandum to the Committee in the light of the specific request for a totally comprehensive list of changes together with the fact that it was our clear impression that it was the Committee's wish to publish this. In the light of those two facts we provided a memorandum which in our minds dealt with the situation as best we could from the defence point of view, having regard to the fact that the information itself was classified. As I say, we would have assumed that if the Committee was not satisfied with that, or if we had misunderstood the Committee in any way (particularly about the desire to publish), the Committee would have pursued the matter with us and then we could have tried in whatever public or private forum that seemed appropriate to be more helpful.

Mr Thomas

17. Why should the Committee pursue the matter on receipt of the memorandum unless it was aware that there was a deliberate attempt on the part of the Ministry to be less than honest about their reply? It is because we received the information about Mr Legge's advice to the Minister that we were therefore perturbed and we have thought that if it was not intended to give this Committee the fullest possible reply,

[4] See Fifth Report from the Foreign Affairs Committee, 1983–84, Vol II, (HC (1983–84) 268–II) Q642–45.

[Mr Thomas *Contd.*]

courtesy would have demanded that an explanation should have been given to us.

(Mr Heseltine.) Yes. I think that that is a question that I fully understand you want to put to me, but I think from our point of view, in trying to carry out the remit that was put to us by the Committee, we faced a situation which made it impossible for us to provide in a public forum the sort of comprehensive information the Committee has asked for, and therefore we dealt with it by giving a broad indication of the situation and some of the problems that were involved, believing that either that would prove satisfactory to the Committee or that the Committee would pursue it, because it was felt that the situation had not been resolved to its satisfaction.

18. One of the matters that disturbed us was that the final reason for non-disclosure offered by Mr Legge is, and I quote, "a full list of changes would provide more information than Ministers have been prepared to reveal so far about the *Belgrano* affair", and then he goes on to say that his attached draft (of which we have not seen a copy) is "consistent with previous public statements by Ministers and others". Are you in a position to tell us what inconsistencies would have been revealed?

(Mr Heseltine.) Yes. I think I can help—not by giving quite an answer to the inconsistency suggestion that you put to me, but I think the difficulty that affects this particular case has a very wide general application. If a Committee receives selective internal memoranda to Ministers, without having the whole picture in front of them, it is very easy for impressions to be created which are not seen in their full context, and which do not therefore help the understanding of the thought processes that lead Ministers to take a particular judgment. Now, this position here is I think exactly in that context. This particular fourth reason in Mr Legge's draft gives the impression that somehow or other there is a sort of isolated attempt to cover up a position. To understand fully this situation one has to know the judgments that Ministers reached some considerable time before this particular document about the general way in which we would handle the sort of questions that were being asked about the sinking of the *Belgrano*. You have to go back, if I may suggest with respect, to the decision that I took to set the policy lines for the Department following the Shadow Cabinet's interest in this matter, and letters which arrived in the Department from the end of the first week in March to the middle of March, from first the Shadow Cabinet to the Prime Minister, and secondly from Tam Dalyell to myself. At that stage, as was clearly my responsibility, I looked at the issues involved, had what is I think known now as the "Crown Jewels" put under way in order to establish for myself comprehensively the position that surrounded all these issues, and as a result, came to broad judgments about what the Department could and could not, should and should not, say. Those are the critical judgments—absolutely fundamental. From that the Department would follow the decisions of Ministers on these matters. Mr Legge, who is a most conscientious and excellent civil servant, would have known of the general approach taken and it is to that that this last particular set of words in my view relates. I have to say "my view", because not having actually written this document I cannot tell you what precisely was in Mr Legge's mind. But looking back on it, and trying to put together the scene, he would have known that generally, for reasons which I believe to be wholly right and justified, I had taken certain decisions in the March period and he would have realised that those decisions had a relationship to this general question.

Mr Mikardo

19. Could I follow up this business of the Legge memorandum? Secretary of State, I take your point that one ought not to attach great importance to internal memoranda. There are a great many of them, no doubt, and some issue enactments and some do not. The Legge memorandum has become important because his advice was accepted by Ministers and because the Stanley memorandum does exactly what he is suggesting should be done. Now, to sum up, Mr Legge gave three reasons for the course he proposed—three groups of reasons: the first one might be called "security", which we have dealt with; the second the technical amount of work in the layman's language. Now, as you know, Secretary of State, because you have been in charge of all this, that sort of thing is often dealt with in a Select Committee. There are time-honoured ways of dealing with that—giving a classified memorandum, answering in private, starring bits, sidelining bits, and so on. Those two things by themselves could have been dealt with in ways that are similar to the way in which, for example, commercial confidentiality is

[Mr Mikardo *Contd.*]

dealt with in evidence to Committees, so it seems that the operative reason was the third one, which is the political one, and as Mr Thomas has pointed out, Mr Legge has said "I have borne in mind the statements made to date by Ministers." He has done a draft confirming the thrust of Mr Pym's evidence, and consistent with previous public statements by Ministers and others, and of course, some of those statements were eventually revealed to be misleading. Is it not clear then that you have—and I put it at its lowest—laid yourself open to the suspicion that this was the dominant motivation and that the whole thrust of the thing was to cover up for Ministers?

(Mr Heseltine.) Yes, I understand that, but I think it is the problem that you get with documents of this sort that come into the public domain by leak. Because if a civil servant is producing advice to a Minister, he is going, in the nature of the way they do their work, to provide a comprehensive list of reasons in favour of or against a particular line of policy. The fact that he has given his own view does not mean to say that it is the only Civil Service view. For example, often, leaked memoranda of this sort lead to meetings at which more senior civil servants come into part of the discussion. That would never be seen in the context of trying to rely on leaked documents of this sort. But if you are a Minister and you are trying to take the judgments Ministers have to, in the light of the evidence in front of you and with your own views and knowledge of circumstances (as, for example, I did with this particular memorandum; there were four reasons in it), you do not, as a Minister, look at the document and say: "Ah, there are two good ones and two bad ones. I will send a note to the civil servants saying, 'I accept your advice for the first two reasons. I would actually have reckoned your last two reasons were not right or should not have been said'." You simply say: "Well, is the balance of the advice acceptable to me, and does therefore the memorandum which flows from it" (which is the memorandum we are discussing) "meet adequately the remit that it seems to me, on the advice I have, to be the right one?" You do not actually have to record your precise reasons in the context of the advice that you have received. So I did not record it. If I had recorded it—and it is unfair almost of me to say so, because I am now trying to draft a judgment I reached without having to have reached it in writing at the time of doing so—I think I would have said: "Look, I do not like the feel of saying you cannot provide information to a Select Committee, because that is not a very good reason." But on the other hand, I am absolutely convinced that if the operational judgment is "I cannot reveal in public the judgment", that is a good enough reason on its own. That in itself would give me grounds for saying that I cannot meet the remit put to me by the Select Committee. However, that was not done. I simply saw the memorandum, and saw four reasons. In total, they overwhelmingly convinced me that we could not go the route that the Select Committee request had required, and nor could we proceed along the lines that are now being discussed; because your requirement is that it should be in public, which is what we were advised was necessary. So one took a global judgment, a balancing judgment. I think that that is the context in which the memorandum has to be seen.

20. Since the Stanley memorandum mentions the War Cabinet and its role during the conflict, was there any discussion with Number Ten before the Stanley memorandum was sent?

(Mr Heseltine.) I am advised not; that there was no such discussion on these matters. Obviously it is the responsibility of the Department and Ministers always to make a judgment as to when you have to consult Number Ten, or inform Number Ten. Particularly in this case (as we shall, I think, probably come on to later) as the Secretary of State appointed after the Falklands War, my personal experience is very limited; and I have had constantly to try to talk to people who were there at the time, who knew what was happening. So I have tried to take the minds of people who had a personal experience.

Mr Welsh

21. Minister, may I go back to the Legge memorandum and may I add a little bit to the statement that was made in it, giving advice to the Minister: "It is consistent with previous public statements by Ministers and others, including Admiral Woodward." The memorandum that followed that, from Mr Stanley, accepted this advice. Would you yourself, as Minister, agree that it is better to be consistent in answering, irrespective of whether it is the truth or otherwise?

(Mr Heseltine.) No, I would not agree. That manifestly is not a view I hold,

[Mr Welsh *Contd.*]

because where in the examination I have conducted into this matter I have found things (and again, I think, we will no doubt come on to this) that I have felt to be inconsistent with the truth, I have done all that I thought to be appropriate to put the record straight. It will become clear, in what I have to say later, that whenever I have gone to the Prime Minister and shown inconsistencies that I thought should be rectified, she has immediately agreed with the advice that I have given her.

22. So, Minister, under these circumstances, that advice that was offered you would not accept?

(Mr Heseltine.) If a civil servant said to me—I think it would be very unlikely that he would, but if he did say to me—"If you want a consistent reply, here is one. If you want a truthful reply, here is another", my whole purpose would be to produce the latter and not the former.

Mr St John-Stevas

23. Secretary of State, I have got some sympathy with what you are saying about basing a judgment on the revelation of one memorandum. It is as though a window had been opened at some point into the operation of the Ministry—a window illegitimately opened—but once it has been opened then it is essential, I think, for this Committee to know what the principles were on which your reply, the Stanley memorandum, was sent. You yourself have said that you based your reply on general considerations, on general principles, as to what should be revealed to the House of Commons and what should not. Can you now tell the Committee what these general principles and considerations were?

(Mr Heseltine.) In reading the particular submission from Michael Legge, the key test that I would apply is whether there were any operational reasons presented to me as to why these Rules of Engagement should not be produced in the form that we are discussing. As it clearly says, in the difficult-to-read parts of the leaked document, if the Rules of Engagement were published and debated openly by the Foreign Affairs Committee, this would undermine their effectiveness. That in itself, for a Minister in the Ministry of Defence would, I believe, be an overwhelmingly convincing argument as to why we could not proceed as we were considering. That in itself would be a principal reason. As I have said, if I had had to analyse and put my thoughts down about the other reasons, I might have actually had some reservations about them. But even if I had had reservations about all of them (and I do not have reservations about all of them), the fact that the operational effectiveness of the Rules of Engagement was said to have been endangered would be sufficient reason for me to have adopted the advice that Mr Legge gave me.

Mr Lester

24. Secretary of State, the reason the Committee got involved in this whole Inquiry on the Falklands War was really to clear up the possibility of four issues in terms of the reason for the sinking of the *Belgrano*. I am not making any comment on whether they are valid or not, but the first one is that the decision was a political decision to frustrate the Peruvian peace proposals; the second that it was a military decision the War Cabinet took, but with knowledge that the Peruvian peace proposals were around; the third that it was a military decision with no consideration of the Peruvian peace proposals; and the fourth probably that it was a military decision justified on one set of facts, but it was subsequently carried out on a different set of facts, but it would remain justified. You have already referred to the fact that you have very sensibly, when you took over your responsibilities, ordered a complete inquiry into the events of the 1 and 2 May. I wonder if you could help the Committee by indicating which of those areas of inquiry the facts that you have produced would lead you to conclude?

(Mr Heseltine.) Yes. I believe that there is only one conclusion to be drawn from all the evidence that I have seen, and that is that the Prime Minister acted in the only responsible way open to a Prime Minister. To have done other than she did would have been culpable. She never had—as I have been able to establish—any doubts whatsoever that the military advice given to her was sound, and that her responsibility was to accept that military advice on military grounds. That is what she did. She did not know, at the time, of the Peruvian peace initiative. She did not know, until after the *Belgrano* had been sunk, of the Peruvian peace initiative. She could not have known of the Peruvian peace initiative, because information about it was not available in London at any of the relevant times. I have to say that the linking of the

[Mr Lester *Contd.*]

sinking of the *Belgrano* with the attempts to undermine the Peruvian peace initiative is a monstrous distortion of the events as I have understood them.

25. So to that extent, then, the account prepared for you has been consistent with the public statements so far made by Ministers, including Francis Pym when he came before this Committee on the *Belgrano* affair?

(Mr Heseltine.) Francis Pym, of course, in giving evidence to this Committee, to my memory, confirmed the judgments that I am now putting to the Committee.

Mr Thomas

26. What you are saying is that the *Belgrano* posed a real and direct threat to the Task Force?

(Mr Heseltine.) That was the advice that was given to the Prime Minister in the clearest military terms, on all the evidence available to the military and the Government at the time.

27. That being so, one was entitled to act as one did, under Article 51 of the United Nations Charter?

(Mr Heseltine.) That is correct. If I may add, I think that to have failed to have acted would have been culpable.

28. Could I ask you about Mr Stanley's memorandum which indicates that the Rules of Engagement were changed very frequently during Operation Corporate, and that the Rules of Engagement and their evolution "was kept under close political control by the War Cabinet"? Can you describe the mechanism for establishing and changing Rules of Engagement?

(Mr Heseltine.) I think that what would happen is that the military, facing changing perspectives and responsibilities, would request different authorisations and instructions, as circumstances changed. I think the Committee would well understand how these circumstances could have developed. First of all, we had the Task Force sailing south from Ascension Island. That presented one sort of risk to the commanders of the Task Force, which had to be engaged. As the situation evolved, we had a capability to enforce the Maritime Exclusion Zone which we had announced around the Falkland Islands. As we developed an air capability in that area we enforced a Total Exclusion Zone. All of these things required changes in the Rules of Engagement, and the specific changes would have been put to the War Cabinet, I would have assumed, for political authorisation. That is how it would have happened. Other changes would have followed as time went on. Certainly, as is now well known, there was a specific change in the context of the decision to sink the *Belgrano*.

29. Can we take it, then, that all Rules of Engagement changes were submitted for War Cabinet approval as a matter of course?

(Mr Heseltine.) All changes would have been, to the best of my knowledge (and I will confirm this), subject to political control. There might have been changes authorised by the Secretary of State which did not get referred to the War Cabinet.

30. So there would be certain exceptions?

(Mr Heseltine.) From authorisation by the War Cabinet?

31. Yes.

(Mr Heseltine.) Yes, but to the best of my knowledge (and, as I say, I will confirm this), not outside political control.[5]

Chairman

32. We have got a little bit too far away from Mr Stanley's memorandum which we have not quite cleared up. We are jumping fences before you come to them. I should like to ask whether you are prepared to provide us now, in public or in private, with the information that Mr Spearing asked for on 20 June?

(Mr Heseltine.) I would have to refresh my memory about the specific question.

Chairman: That was the question he asked Lady Young.

Mr St John-Stevas

33. On the Rules of Engagement, to give a comprehensive list.

(Mr Heseltine.) I think that we might be able to provide changes in the light of the work that we have done.[6] However, what we cannot do is actually to give the specific Rules of Engagement themselves.

Chairman: Thank you very much.

[5] See Evidence p 3, paragraph 4.

[6] See Evidence p 27 for changes in Rules of Engagement.

Mr Harvey

34. Could you not provide details of the Rules of Engagement that are not still in force?

(Mr Heseltine.) I would be surprised if I would agree to that, because there would be a possibility for people to piece together the sort of rules that might be applied in different circumstances and current circumstances.

35. Are there large areas of your own specific inquiry—the "Crown Jewels" specifically—that you would be prepared to divulge to the Committee and to the public?

(Mr Heseltine.) No, there are not. If you are talking about the specific documents that relate to the "Crown Jewels", the answer is no. Of course, parts of the language and the words within those documents have already been in the public domain and are not in any way classified, because it covers the whole story. However, there is no way in which I will be prepared to produce the document itself; it carries a very high security classification.

Mr Spearing

36. Secretary of State, a little earlier—I think, in a reply to Mr Mikardo—you said that the existence of the Rules of Engagement illustrated the permanent political control of the situation. So would you agree that the Rules of Engagement express a political judgment between the sometimes conflicting balance of military and political considerations in the situation?

(Mr Heseltine.) They could do so, if, for example—. It would be wrong to go back to a specific example. I am now generalising, to answer a hypothetical question. It could well be that politicians, in moments of tension, took a very cautious view about what authority they gave to their military forces. That could be. In that case there would be a balance of judgment, just as you say. So hypothetically you are correct, but one should not go from that point to say that that is what happened in any particular circumstance we are discussing.

37. No, but what I am suggesting is (to use the words of the Prime Minister to Mr Foulkes in a later letter) that as regards careful consideration of the legal, military and political issues, Ministers decided that that would be encapsulated in the actual terms of the Rules of Engagement. Now if anybody was wishing to evaluate the degree of judgment used in those circumstances, surely the Rules of Engagement, or the major ones (and you made some reference to that), in some form must be available to those seeking to make the evaluation?

(Mr Heseltine.) I myself would doubt if there was anything in the specific Rules of Engagement which add to the knowledge of the particular events that we are talking about, in the context in which you put that question to me, because the purpose of the particular change—which is to do with the *Belgrano*, which I think is the one most of interest—is not in dispute. So the background, I think, is clearly understood.

38. Secretary of State, you may say that the purpose was not in dispute, but I think you would agree that the judgment displayed is a matter of controversy?

(Mr Heseltine.) Yes, I think it is. However, I do not think the actual Rules of Engagement would add to the knowledge on that particular subject.

39. You may not think so, but can I put this to you: that where a balance of military and political considerations is involved (and you yourself have admitted to the Committee that that is very often the case), then a balance must be struck as to how far, and under what conditions, military action can and cannot be taken?

(Mr Heseltine.) But in this particular—

40. Would you not therefore agree that the terms—not the technical terms, but the lay terms—of Rules of Engagement express that particular judgment?

(Mr Heseltine.) But as I am making clear, the particular and relevant Rule of Engagement was clear: it was to sink the *Belgrano* or to permit the sinking of the *Belgrano*. So there was not any political qualification, and the Government is not trying to suggest there was. Therefore, in the context we are discussing, it was a military exercise from the moment the Government had taken the decision that the *Belgrano* could be attacked. So the political judgments lie behind the Rules of Engagement, if I may say so, it is not the Rules of Engagement that reveal them.

Mr Spearing: I will just put to you that the Rules of Engagement, as we understand it so far (and perhaps we can come on to that later), were not respectively only for the *Belgrano*. There was a whole number of other matters, and the *Belgrano* was not mentioned in the report to the Security

[Mr Spearing *Contd.*]

Council. There were a whole host of other security considerations. Perhaps I can reserve that until later.

Mr Lawrence

41. Can you clarify in my mind this matter? Do the Rules of Engagement involve a consideration of the sources of our information, the methods of getting that information, the techniques for getting it, and all of the things that one would be inclined to think are top security and ought not to be made public knowledge?

(Mr Heseltine.) Not the Rules of Engagement themselves. However, the judgments as to any changes in the Rules of Engagement would involve those matters.

42. But as to the high-security matters that I have just put to you, I think everybody would understand why there must be secrecy over those; that we should not disclose our sources and the methods, because we might need them for the future. However, people will be puzzled as to why the actual basis for decisions as to whether or not we shoot or we do not shoot, or we bomb or we do not bomb, should be a secret matter now, so long after the events.

(Mr Heseltine.) Of course, in the context of saying that it is a one-off situation and that history has long since overtaken it, that is a fair point being put to me. But Rules of Engagement in themselves, in general terms (and we were talking, in the reply that we gave, about a whole range of Rules of Engagement), reveal an attitude about the way in which you instruct your forces to behave in a whole range of different circumstances, which could be valuable to the enemy in a whole range of unforeseen and unforeseeable circumstances. As a very substantial part of your military capability is not just being able to deal in hot circumstances with enemy forces but to act as a deterrent, you do not—and I do not know of any military commander who would—actually reveal to your potential enemy or your existing enemy the precise way in which your force is going to act in given circumstances.

43. In the future?

(Mr Heseltine.) If you give details of the past, you can read forward into the future.

Chairman: I think we might turn to another subject now, thank you very much, Secretary of State. That is, the letter to Mr Dalyell, which appeared to be a draft ministerial reply.

Mr Canavan

44. As far as we can see, Secretary of State, from the photo-copy which we have, the document is not marked "Confidential" like the Legge document. However, can you tell us whether the draft reply was in fact sent to Tam Dalyell?

(Mr Heseltine.) That draft reply was not sent?

45. Could you tell us whether the draft reply was in fact sent to Tam Dalyell?

(Mr Heseltine.) I am terribly sorry. I have confirmed, in, I think, my first answer, that this document and the other document from Michael Legge are photocopies of documents from within the Department. It is not for me to make judgments about matters that I think are *sub judice*.

46. Yes, but was the final reply which was sent to Tam Dalyell—and presumably signed by yourself—word for word as in the draft reply which was leaked?

(Mr Heseltine.) It was not sent at all.

47. It was not sent at all?

(Mr Heseltine.) It was not sent at all.

48. Who made that decision not to send it?

(Mr Heseltine.) I did.

49. And you would have signed the reply, if it had gone out?

(Mr Heseltine.) But it did not go out.

50. Yes, but it was a draft reply, presumably to be possibly signed by yourself?

(Mr Heseltine.) There is no way of knowing which of my Ministerial colleagues or myself would have signed the document if we had decided to proceed with it. We did not decide to proceed with it so the question of signature did not arise.

51. Why was a draft reply not sent to Tam Dalyell?

(Mr Heseltine.) That takes us back to the heart of the matter. There were two letters which are very relevant. Perhaps I can say a word or two, Mr Chairman, about my approach to this, because I think it would be helpful to the Committee to understand the view that I took at the time. On 6 March Denzil Davies wrote to the Prime Minister. There was only one issue in that letter, and that was whether or not the *Belgrano* was detected on 1 or 2 May 1982. On 16 March I received from the Department alternative

[Mr Canavan *Contd.*]

drafts as to how to deal with that, either giving the information or not giving the information as to what had actually happened. That was the sequence of events there. On 19 March Tam Dalyell wrote to me asking nine detailed questions, including changes in the *Belgrano*'s course. It was at that stage the culmination of this original letter from the Shadow Cabinet which obviously has a significance of its own (which is very proper, in the way we conduct our affairs)—the particular sort of questions that came from Tam Dalyell —that led me to take a view that the whole question that arose in connection with the *Belgrano* had got to be subjected to the most detailed scrutiny, because I had not got the personal knowledge or background, simply because I was not a Minister in the Department at the time. So, on 22 March, I then began the investigation which led to the documents which are now known as the "Crown Jewels". I had not at that stage answered—when I say I had not answered, the Prime Minister had not answered, but colleagues will fully understand the Ministry will play a major role in advising the Prime Minister on a major matter of this sort—either Denzil Davies' or Tam Dalyell's letters, but we had commissioned a thorough and comprehensive investigation into all the events which surrounded this issue. On Thursday 29 March, I received the document known as the "Crown Jewels". I immediately held an internal meeting and I had a meeting with the Prime Minister and a further meeting on the Sunday (because I was going to NATO on the Monday), in order to try to decide what advice I would give the Prime Minister as to how we should deal with these questions to her and also to myself, and to familiarise myself with the whole position. My views, I think, are very clear already, in answer to earlier questions. My investigation convinced me that what the Prime Minister did was totally right and that no other decision was possible for someone in her position. It also revealed to me that, for reasons which we can discuss, there were inaccuracies in the statement made to the House of Commons about the detection of and attack on the *Belgrano*; and I can explain that to the Committee if they wish. However, it was also apparent to me that if we were to move down the road of a detailed analysis, which was being requested of the Ministry in questions to me, we would end up with yet more requests for yet more information; and, as the Prime Minister in letters which followed from all this made clear, we would move into realms of questioning which we could not answer because national security interests would not permit it. So, it seemed to me appropriate that we would give first of all the clearest answer we could to the question of the attacking or detection of the *Belgrano* on 1 and 2 May, but that the other issue would have to be dealt with in a general explanation of the Government's position on the whole *Belgrano* incident and that is what we did. We have said what we believe to be appropriate—it is certainly accurate—and we have made it absolutely clear that there are areas, beyond the statements which we have made, into which we are not prepared, under any pressure, to go. The Prime Minister is the person who has been most questioned on this matter, and the only time that I have been to the Prime Minister to reveal something that I felt had to be put right in terms of the record of the House of Commons, she could not have been quicker in urging me to make the earliest possible rectification.

52. Can we come back to the draft reply to Tam Dalyell which was never sent. Is the information in the draft reply absolutely correct and is it consistent with other ministerial statements?

(Mr Heseltine.) I think that is a copy of a document which was produced within the Ministry of Defence and so for me to suggest that technically or factually it is inaccurate would be, I think, extraordinary. But I think it is an extremely dangerous road for a Secretary of State to pursue, to start discussion the content of documents which should not be in the public domain anyway.

53. But when Mr Dalyell wrote to you on 1 May, according to the draft reply from the MOD in March which you seem to suggest in your reply—

(Mr Heseltine.) He wrote on 19 March.

54. It says: "Thank you for your letter of 1 May"?

(Mr Heseltine.) He then wrote again on 1 May because he did not like my reply.

55. I see. He has been trying to get information on the course of the *Belgrano* for some time, has Mr Dalyell. He is very persistent and you seem to be hiding behind this cloak of national security in refusing to give information. We can understand, some of us, that for reasons of national security you are reluctant to give absolutely full details of the Rules of Engagement and so on which may still be in force, but how would it be a threat to national security to reveal more details of the course of the *Belgrano* and, for example, to publish the signals which were intercepted between the *Belgrano* and the Argentine mainland around about the time of the attack by *HMS Conqueror* on the *Belgrano*.

(Mr Heseltine.) You have made assumptions which I would not accept and by the very question you have asked, I think critical analysis provides its own answer.

56. Well. The draft letter to Tam Dalyell says there is no continuous log of the *Belgrano's* movements. This morning there have been reports about the missing log of *HMS Conqueror*, is that partly why there is no continuous log of the *Belgrano's* movements? Is there any significance in that at all?

(Mr Heseltine.) The *Belgrano* is not a ship in the Royal Navy; we would not have a log of the *Belgrano*.

57. But would there be any records in the log book which has been mislaid about the possible movements of the *Belgrano*?

(Mr Heseltine.) No.

58. No?

(Mr Heseltine.) I think I can help the Committee, because there is public interest on this matter, in the sense that perhaps all of us, as amateurs, have a misunderstanding of the nature of the document that is missing. I think the popular perception of the log is that it is the sort of commander-of-the-ship's record of what is actually happening and a detailed account, for whatever purpose, is necessary. Actually there were two documents which could be regarded as logs in the popular sense. One is the helmsman's log. I actually have a copy here of one. This is the document that is missing from the *Conqueror*. It is a technical record kept by the helmsman and the officers of the watch merely recording fuel, speed, direction, relating to the ship itself, in other words, in the case of the document that is missing, to the *Conqueror*. The document that would be a quite different source of information is the captain's record and that, of course, is not missing. It is in the possession of the Ministry of Defence and is a document which we would not be prepared to make public.

[Mr Canavan *Contd.*]

Mr St John-Stevas

59. But it is in existence?

(Mr Heseltine.) That is in existence.

Mr Canavan

60. If the contents of the log were to be published would it cause a threat to national security or a threat to the credibility of ministers, perhaps?

(Mr Heseltine.) Yes, they are classified documents.

61. So they would, in your estimation, create a threat to national security if they were published?

(Mr Heseltine.) I think it would be an extraordinary situation where we would publish the record of a British ship in training exercises, we will say, showing how they practise, change course or the tactics that they are developing, all of which would be clear to anyone who had a detailed record of a log of this sort. A log of this sort would reveal the whereabouts of our submarine fleet, for example, and the idea that we should publish this is extraordinary.

62. Would the contents of the log book, if published, create any embarrassment or threat to the credibility of ministers?

(Mr Heseltine.) No, not to the best of my knowledge because I cannot see what there is to be published which would add to the knowledge of ministers' judgment at the time. We all know—well I know—what ministers knew at the time; a general description of that has been made public. The advice that was given to ministers had a very substantial military input, and I would find it incredible that there was some military advice in the log book of the helmsman of the *Conqueror* which would change or indeed add to the knowledge that ministers had available.

Mr St John-Stevas

63. Can we take it, Secretary of State, that what you are saying is that the disappearance of the helmsman's log does not in fact affect national security in any way, but the publication of the captain's log would?

(Mr Heseltine.) No. I think I would not wish to see the public release of the helmsman's log for general reasons. I do not think that in the context of this particular inquiry that the helmsman's log would add to the public interest in the matter.

[Mr St John-Stevas *Contd.*]

64. Is there a third source of information—the computer print-out, to which reference has been made in the press?

(Mr Heseltine.) I am not aware of any source of information which has not been put to me from any of these sorts of areas that changes the nature of the advice I have received, upon which I have advised this Committee and on which my public statement has been made. I think I can go a little further and say that I have specifically said to people who I think would be in a position to know, whether they do know of any further source of information which I should address. I have not just reacted to what I have been shown. I have asked the general question, is there anything else I should or could be aware of and I am assured there is nothing I do not know.

Mr Lawrence

65. I am sorry you were speaking very softly and I did not hear you. Did you say that that which you have just picked up is a copy of the helmsman's log.

(Mr Heseltine.) No! It is, to the best of my knowledge, empty—I hope!—an empty helmsman's log and it is of a very technical nature.

Mr Mikardo

66. Understanding fully, Secretary of State, you could not possibly publish the captain's log, could I ask you at least whether it is possible for you to say whether there is anything in it which is inconsistent with past statements of Ministers?

(Mr Heseltine.) I have not seen the captain's log but I have asked, as I said to Mr St John-Stevas, the question as to whether there is anything anywhere which would conflict with the advice I have been giving to this Committee, and the advice that has been given to me is that there is not. Making a judgment given the circumstances of the *Conqueror* in relation to the *Belgrano*, I would find it extraordinary if there was to be some conflict of evidence on that matter.

Chairman: Could we have a word about the exclusion zones now?

Mr Spearing

67. Could you possibly explain, Secretary of State, the purposes of the Maritime Exclusion Zone which was established on 10 April and then subsequently converted into a Total Exclusion Zone? Was this primarily to deter the Argentine intrusions into that area or was it to warn perhaps third countries to be clear of that zone?

(Mr Heseltine.) Just being technical on one point: actually the Maritime Exclusion Zone came into effect on 12 April because I think notice was given of it; I think that is correct. Both your assumptions are valid. It was, as I described earlier to the Committee, part of the process of our gaining control of the Falkland Islands as the fleet sailed from the Ascension Islands. As we began to achieve a capability in the area of the Falkland Islands, it became necessary to establish what our military disciplines were to be, in terms of the Rules of Engagement, and how we defined our military priorities. So with the growing naval capability, we first established, by announcement on the tenth and enforcement on the twelfth, a Maritime Exclusion Zone of 200 nautical miles from the Falkland Islands. We could not enforce a more ambitious exclusion zone until we had an air capability. When we had this we turned the zone into a Total Exclusion Zone—that was on 30 April. On 23 April we informed the United Nations of our intentions in this matter[1], including to act under Article 51 where appropriate.

68. So I take it that these were tools in the pursuit of the Government's, in your own words, "highest priority" of an early negotiated settlement, using minimum force, and that these zones were tools of that command?

(Mr Heseltine.) They are part of the process. You could use the word "tool" in that sense.

Mr Mikardo

69. Is it not a fact that sinking an Argentine warship without warning outside the exclusion zone did not fall within the actions sanctioned by Article 51 and was, therefore, a breach of international law? Is it not a fact, as has been reported, that two of your fellow Ministers demurred about the action on those grounds?

(Mr Heseltine.) I think there are two issues here. Under Article 51 you are entitled to act in self-defence. We had made it clear in the notice that we gave that not only would we enforce the exclusion zone but act outside the exclusion zone in self-defence in compliance with Article 51. The

[1] *Footnote by witness:* This refers to the warning issued by Her Majesty's Government on 23 April 1982 and communicated to the United Nations on 24 April 1982.

[Mr Mikardo *Contd.*]

clearest military advice to the Prime Minister on 2 May was that the *Belgrano* was a threat to our forces: categoric military advice and I cannot overstress that simple statement: categoric military advice that the *Belgrano* was a threat to our forces. In those circumstances, under Article 51, it was perfectly legitimate for the Government or the War Cabinet to authorise the change of the Rules of Engagement to permit the attacking of the *Belgrano*. That is the first answer to your question.

70. Was not the TEZ *de facto* a blockade and is not a blockade illegal without a declaration of war?

(Mr Heseltine.) I am advised, and this is a matter perhaps on which it would be appropriate to consult those who are expert in the law, that the methods that we used were appropriate for the pursuit of our national interests and in self-defence of our interests. I am aware that the Foreign Secretary and the Attorney General were involved in discussions in which these opinions were fully explored and they did not demur from the position that was taken either about the exclusion zones or to sink the *Belgrano*. There was a continuing controversy and it was in order to remove any possible continuation of that controversy, that on 7 May the Government re-emphasised the decisions and announcements that it had already made.

71. If Mr Pym and Sir Michael Havers were not demurring about the action that was taken, what was the point of what they did say?

(Mr Heseltine.) They raised the issue as to whether the matter had been dealt with and whether we were in a position to convince ourselves we had acted in a proper way. That is absolutely fair and proper for Ministers to do. The decision itself they did not question. Actually, can I change that: they did not demur from the decision itself, would be more accurate.

Mr Thomas

72. Following on Mr Mikardo's question: is it right that on 23 April 1982 the warning was given to the Argentine Government to the effect that any Argentine warships threatening the Task Force would, and I think the words were, be met with the appropriate response?

(Mr Heseltine.) I have here a copy of the United Nations' Security Council document and it is a letter dated 24 April 1984 from the British Permanent Representative to the United Nations, addressed "To the present Security Council" and it does in fact include the words, "In this connection Her Majesty's Government now wishes to make clear that any approach on the part of Argentine warships, including submarines, naval auxiliaries or military aircraft, which could amount to a threat to interfere with the mission of the British forces in the South Atlantic, will encounter the appropriate response." That was on 23 April, a public document given to the United Nations, and that is the document which makes it clear beyond any shadow of doubt that any approach in or outside the Total or Maritime Exclusion Zones which would threaten the Task Force would meet the appropriate response. When it became clear that the *Belgrano* was a threat it was under this particular warning we acted.

73. On 23 April—and there is now this time lag before 1 and 2 May—warning was given to the Argentine Government that in the event of a threat to the Task Force an appropriate response would be taken. That would mean that it could be taken, presumably, outside the Exclusion Zone if the assessment of the threat was a valid one?

(Mr Heseltine.) That is clear.

74. On 30 April the Task Force was attacked, was it not, by the Argentine Air Force?

(Mr Heseltine.) 1 May.

75. Was it 1 May?

(Mr Heseltine.) 1 May.

76. What was the date when it was agreed the *25 de Mayo* could be attacked outside the exclusion zone? Was that the same date?

(Mr Heseltine.) 30 April.

77. Was that before the Task Force was attacked by the Air Force?

(Mr Heseltine.) Yes.

78. Therefore that was a change in the Rules of Engagement?

(Mr Heseltine.) Yes.

79. On 30 April. Did that change in the Rules of Engagement also mean escorts which were with the *25 de Mayo* could also be attacked?

(Mr Heseltine.) No.

[Mr Thomas *Contd.*]

80. Was that change in the Rules of Engagement notified to the Argentines?
(Mr Heseltine.) I do not think it would have been. We would not have notified the Rules of Engagement in that particular context because we had already issued the warning that was necessary to cover the threat that that aircraft carrier was perceived to represent to our Task Force. Your colleagues are aware of this, but the situation which faced the British Government at that time, 30 April, was that the Task Force was sailing from Ascension Island and the military advice about the capability of the aircraft carrier was such that it could potentially strike the Task Force. Aircraft carriers are not pleasure steamers and if the military advice to the Prime Minister and the War Cabinet was that there was a threat from a heavily armed aircraft carrier to an approaching British Task Force, it puts a duty and responsibility on the British War Cabinet to take whatever action is appropriate to remove that threat or deal with it.

81. Perhaps I can say that many of us understand and appreciate that very much. We understand that there was responsibility for about 10,000 British people, military and civilian, and some were around 8,000 miles away.
(Mr Heseltine.) That is correct.

82. The Task Force was approaching the Falkland Islands and one understands the responsibility which rested on people. The reason I am asking the question is to get the dates. This was 23 April and then on 30 April the Rules of Engagement were changed so that it was agreed the *25 de Mayo* could be attacked outside the exclusion zone and you say it was the *25 de Mayo* only and not the escort vessels with the *25 de Mayo*. That was a change in the Rules of Engagement and that was on 30 April. Then, on 1 May the *Belgrano* was sighted. I think that is right, is it not?
(Mr Heseltine.) Yes, that is correct, on 1 May.

83. Before the *Belgrano* was sighted it had been assessed that the *25 de Mayo* was a threat to the Task Force?
(Mr Heseltine.) That is why we took the decisions we did in connection with the *25 de Mayo*.

84. Was it suspected that the *Belgrano* was south at the time? I believe the aircraft carrier was north. Was it suspected that the *Belgrano* was somewhere in the south?
(Mr Heseltine.) I do not think I can answer the question as to what the suspicions were, as to where the Argentine ships were located at that time.

85. Anyhow it was decided that the *Belgrano* was a threat and the Rules of Engagement were changed.
(Mr Heseltine.) Not on 1 May—the *25 de Mayo* was the threat at that time. The Rules of Engagement, in the context of the *Belgrano*, were not changed until 2 May. That is the *Belgrano*.

86. That is the day after the sighting?
(Mr Heseltine.) Yes.

87. The *Belgrano* was sighted on 1 May. On 30 April, the day before, the *Conqueror* sighted an auxiliary oiler?
(Mr Heseltine.) That is correct. Sorry —no. It detected the auxiliary.

88. Then on 1 May the *Belgrano* was sighted refuelling at sea?
(Mr Heseltine.) That is correct.

89. And on 2 May the *Belgrano* was sunk?
(Mr Heseltine.) That is correct.

90. The decision was taken that the Rules of Engagement should be changed?
(Mr Heseltine.) On 2 May.

91. Can you give us the precise terms of the change of the Rules of Engagement, because it appears that it was not just the *Belgrano* that it was agreed should be sunk, but all vessels outside the Exclusion Zone, is that right?
(Mr Heseltine.) That is the case.

92. Can we have the precise terms of the change of the Rules of Engagement?
(Mr Heseltine.) I would not wish to make public that particular information.

93. Can we have it in private?
(Mr Heseltine.) Yes.[8]

Mr Harvey

94. Can you elaborate on the nature of the threat to the fleet that the *Belgrano* posed? Could the *Belgrano*'s guns, for example, have come within range of the fleet after a night's steaming, and how far would the fleet have to have sailed in order to get out of range?
(Mr Heseltine.) I think that if you are the Prime Minister, and you are told by your military commanders that a warship is sailing towards your fleet, and you have all the communication problems in the South Atlantic, the distance and the time scales, I do not think you actually go back and ask for detailed questions as to whether it is possible for the *Belgrano* to somehow or other fail to get to the fleet within a certain time scale. I do not think that that sort of discussion would have taken place. If you have commanders of a Task Force in charge of many thousands of British lives, and they tell you of a threat, you rely on the judgment of those military commanders unless there are overwhelming reasons not to do so.

[8] For memorandum on Rules or Engagement see Evidence p 27.

[Mr Harvey *Contd.*]

95. Could you tell us if the Prime Minister learnt of the change of course of the *Belgrano* in advance of the sinking?
(Mr Heseltine.) Well, we have provided that information. It was not actually until some significant time after the particular incident, but even so, it is not in our view relevant, and would not have influenced the judgment, even if we had known, which we did not.

Mr Lawrence

96. I think some people think that what may have happened was that the *Belgrano* had given up and was on its way home and that it was sunk when it was really going out of all threat and danger. That is I think a statement which has been repeated on a number of occasions by Mr Gavshon and Mr Rice, who said that the *Belgrano* was homeward bound at the time; by Mr David Leigh in the *Observer* of Sunday 26 August, and by a number of others, and yet in a Panorama broadcast on the 16 April, Admiral Lombardo made clear, did he not, that at about midnight and I quote "I realised that the British were not really landing, so I said to Allara: 'I believe the British are not . . . landing'. They represent a real problem to you and Allara. About 20 minutes afterwards that, that is to say, about midnight less twenty minutes, he . . . he gave orders to the ships to come back. *Fred Emery:* To come back where? *Rear-Admiral Lombardo:* To their former positions. That is to say, the two groups in the north to their continent and the group in the south to their States Island"—and I think that should be Staton Island but nevertheless—"*Fred Emery:* Was that a political decision or just a military decision? *Rear-Admiral Lombardo:* Military decision, sir." and later on, Hector Bonzo said: "During the early hours and during the morning, my course was two-seven-zero degrees, that is to say, to the west and at about a hundred miles from Staton Island, I changed course to two-nine-zero degrees to take a more direct route towards the destination I had, which was Staton Island." and he made absolutely clear and Admiral Lombardo made absolutely clear to that Panorama programme that the *Belgrano*, although turning away from the Falklands, was not going home. It was merely to get out of the way of the vulnerability until such time as the British Forces were landing, and they were merely withdrawing to a place of safety when they could come back with a pincer movement. That is what was said by the Argentines in that programme on 16 April and people seem to have forgotten it. The question I want to ask you is this: was it your information or did you have reason for believing, (not you but the Defence Ministry at the time), that the *Belgrano* was not on its way home and is that what you mean when you say that it still presented a very real threat?
(Mr Heseltine.) If I may make a general point, I have always found it extraordinary that so much credibility is given to apparent intelligence information which can only have come from Argentine sources. I have always found it extraordinary that people who try to make judgments about what the British military advice was should set that against information that has to have been provided from Argentine sources. I have always found it extraordinary that people in Britain should be prepared to believe the Argentine intelligence sources against the apparent views of the Argentine admirals who were involved. My own position is that I am not prepared to get involved in discussing the security interests in this matter. The only thing I know is that we have not contributed to the debate or to the information available—nor do we intend to. It has all come from Argentina and it must be judged in that context. On the previous question about the *Belgrano* going home I have two points to make: I understand there is a curious question which arises about even the information which has come from the Argentine about the instructions that were sent to the Argentine fleet, because times are given as to when the re-call is supposed

[Mr Lawrence *Contd.*]

to have taken place but the *Belgrano* sailed on. If she had been called home at the times given, it is quite difficult to know what she was doing sailing on towards the British Task Force. It is perfectly true she did change course; but when the British Government took its decision to sink the *Belgrano*, because of the threat that was reported to it, it did not know she had changed course, and even if it had known that she had changed course, there is nothing to say she could not have changed course again. The issue that the British Government had to address, and the only issue in the context of this discussion, is whether the military were to get their changed Rules of Engagement, because they had advised of the threat, or not. That was the only issue before the Prime Minister. No Prime Minister in my view could conceivably have questioned the military advice in the circumstances.

Mr Mikardo

97. Lord Lewin said on Panorama that the *Belgrano* was not an "immediate threat".

(Mr Heseltine.) Well, Lord Lewin was, if I remember correctly, the Chief of Defence Staff who actually requested the change of the Rules of Engagement to sink the *Belgrano*. There is a certain inconsistency in what you are putting to me.

98. Am I not right in thinking, since you say that that original and specific request to sink the *Belgrano* came from Admiral Woodward and it was in London, that it was decided instead to change the Rules to apply to all Argentine warships? Was that not a considerable escalation of the conflict at a time, may I remind you, when officially British Goverment policy was the use of minimum force necessary to secure a diplomatic settlement?

(Mr Heseltine.) In order to sustain that line of argument, if you had been in the position of the Prime Minister, you would have had to turn down the military request to change the Rules of Engagement and take on your own shoulders the responsibility of knowing that the *Belgrano*, as you were advised, was sailing towards the Task Force with all the risks that might then have ensued. Now when Lord Lewin, as I understand it, was referring to the immediacy of the threat, what he meant was that as the advice was produced at the time, she was sailing towards the Task Force; she was not at the point at which she was an immediate threat; she was sailing to a point at which she would become an immediate threat. She did not become an immediate threat because she never actually got to the position it was anticipated she might get to when the decision was taken by the British Government. She was also sunk so the situation did not then arise.

Mr Lawrence

99. Chairman, that is not quite what Lord Lewin said. Can I just read out the full context so that we can all understand it. He said "She"—the *Belgrano*—"was not an absolutely immediate threat to our surface ships and Woodward knew where she was and he then reported . . . *Fred Emery:* When did she become an immediate threat? *Lord Lewin:* She didn't become an immediate threat because we sank her." So he is there not saying that she was not an immediate threat but that she was not an absolutely immediate threat, drawing the distinction between the two kinds of immediacy.

(Mr Heseltine.) I agree with what Mr Lawrence has said. She was moving towards the position as she was reported where the immediacy was growing. He distinguishes between the absolute immediacy, when she would absolutely perhaps have been in the range and therefore coming in that extreme category, if that is what had happened, and that is what the risk was that the British Government had to address. It turned out she had changed course but that was not known to the British Government when this issue was put to them.

Chairman

100. To complete the quotation Mr Lawrence just read "She did not become an immediate threat because we sank her. . . . She was a threat as long as she existed." Would you agree with that, Secretary of State?

(Mr Heseltine.) I think that is certainly the case in the context in which we are discussing it. You could obviously question (and I am sure the British Government would have questioned) whether the hypothetical threat would have justified the change of the Rules of Engagement, if she, for example, had been somewhere in an Argentinian port, but she wasn't. She was actually sailing towards the Task Force as the British Government understood it.

Mr Welsh

101. Right up to the Task Force landing in the Falklands, the Government and other Ministers were pursuing (so they said) a policy of minimum force in effect to gain the diplomatic settlement. That was reiterated many times in the House and many other places. I want to ask you, although you were not in the same position as you are now, you were in Environment then, whether the change of the Rules of Engagement to sink the *Belgrano*, to sink the *25 de Mayo* and to sink all Argentinian and naval vessels on the high sea outside the 12 mile limit was compatible with the minimum use of minimum force?

(Mr Heseltine.) In my view both those decisions were essential for the protection of British Forces who had set out with all-party support for a certain very obvious military objective. I do not believe that any Government could conceivably have denied the military advice to make those decisions.

102. May I ask you again, is that compatible with the use of minimum force?

(Mr Heseltine.) Absolutely.

103. That is minimum force?

(Mr Heseltine.) If you are faced with a threat, as you perceive it, to the lives of your people, you must use minimum force in order to remove that threat. I think one must clearly understand (it cannot be over-stated) warships are not pleasure vessels. If you have heavily armed aircraft carriers or ships such as the *Belgrano* in a potentially hostile situation, they are a threat and it is the duty of Government in the circumstances in which they were engaged with all-party support to take the minimum military steps necessary to remove that threat.

104. Yes. Secretary of State, may I say that I am sure sailors at the bottom of the sea realise they are not pleasure ships. If to use minimum force in circumstances in which there may be conflict, is to sink every ship possible from the country you are in conflict with on the high seas, as long as it is in 12—

(Mr Heseltine.) I strongly resent the suggestion that in some way or other the fact that Argentinian sailors who were on the *Belgrano* lost their lives in some way entitles the Secretary of State for Britain or the Prime Minister of Britain to have taken a different view about the protection of British lives at stake. We did not invade the Falklands. We set out to recapture them against people who had invaded them. That is when the basic issues about the risks to Argentinian lives should have been addressed.

Mr Canavan

105. Can I revert just for an instant to the previous questions about the immediacy of the threat of the *Belgrano?* The Prime Minister in a letter to George Foulkes MP said that the decision to change the Rules of Engagement was based not on a potential future threat but on a real and immediate threat. Does that not clearly contradict what Lord Lewin said on the Panorama programme?

(Mr Heseltine.) No. It was Lord Lewin who requested the change of the Rules of Engagement, so it is inconceivable that there is an inconsistency between the advice he gave to the Prime Minister at the time and the views that the Prime Minister has now expressed based on that advice and the decisions that flowed from it.

106. But Lord Lewin said that the *Belgrano* did not become an immediate threat and the Prime Minister says quite clearly that the change was based on a real and immediate threat. In that not a contradiction or are we just playing with words?

(Mr Heseltine.) I think it is the juxtaposition of words in the context of extempore replies to answers on a television programme. It is quite clear that as far as the Government was concerned the issue was immediate. We were not being asked at that Sunday lunch-time to take a decision in three or four hours' time. We were being asked to take a decision at that time, because the advice was the *Belgrano* was sailing and was a threat to our Task Force. Where the words "immediate and absolute immediate" enter into it is because what I think Lord Lewin was saying, but perhaps the Committee will wish to pursue this in another way, is that you can more precisely define the moments of "immediacy" and "absolute immediacy" in terms of the ship being actually within range of the British Task Force. But any Government that allowed the ship to get within range before taking its decision would have been culpable, because if it had got within range and there had been damage inflicted on the Task Force because Government had held up the advice of the military, that would have been the source

[Mr Canavan *Contd.*]

of an inquiry of quite different scale to this one.

107. Could you tell us exactly when (the date and the time) Ministers were informed of the change of course of the *Belgrano;* which Ministers were informed on the specific times?

(Mr Heseltine.) Defence Ministers originally knew of the change of course in November of 1982 and the Prime Minister herself in March 1984.

108. 1984?

(Mr Heseltine.) This year. The Prime Minister has given this information in answer to a Parliamentary Question: March 1984.

Mr Thomas

109. Admiral Lombardo, who has been referred to in the Panorama interview, certainly gave the impression that the *Belgrano* was involved with the *25 de Mayo* in what probably could be described as a "pincer movement". At the time when the *Belgrano* was sighted on 1 May, was the approximate position of the *25 de Mayo* known at the time?

(Mr Heseltine.) I think that I would be reluctant to give information about what we did or did not know about the *25 de Mayo* in that context.

Mr Mikardo

110. Secretary of State, from what you said earlier, it is clear that the dates 23–24 April are quite important. There was some fresh thinking going on there, and some of it issued in the memorandum to the United Nations, from which you read us an extract a little while ago. Are you aware that in an interview which Lord Lewin gave and which was printed in the *Guardian*, he said that the Government had decided by 23 April that the conflict was not going to be settled by negotiation? Did everything then flow from that conclusion, the changes of the Rules of Engagement, the attempt to sink the *25 de Mayo* and the *Belgrano*—did that all flow from an assessment made as Lord Lewin says on 23 April that only force was going to solve the problem?

(Mr Heseltine.) No. I think there were two options. The preferred option, which we continued to pursue and the mere fact that Francis Pym who was Foreign Secretary was actually in America trying to pursue negotiations at the time of the *Belgrano* incident indicates that the second option, the peaceful settlement, was being pursued. But we were also at that stage committed to the alternative in the unhappy event we were not able to achieve a peaceful option. Both these courses were being pursued with vigour and you cannot indulge in a military exercise of the complexity of this one without giving it a full professional support, so two processes were at work. The one we would like to have achieved was the peaceful negotiation, and the Foreign Secretary devoted immense energy to that course, but we knew that in the last resort (and it increasingly looked as though this might be the necessary resort) we had to pursue the despatch of the Task Force with total vigour.

111. But the conclusion which one is clearly entitled to draw from what Lord Lewin said about the view the Government took on 23 April is to put it bluntly that Mr Pym's trip to Washington was a cosmetic exercise?

(Mr Heseltine.) I do not think the Foreign Secretary was a man given to cosmetic exercises. Anyone who knows him and worked with him would take a judgment that he was personally deeply committed to that approach, and he had the support of the full Cabinet, who were aware of these matters, not just the War Cabinet.

112. But Lord Lewin has also said, contradicting the Prime Minister, that Mr Pym knew much earlier about the change in course of the *Belgrano*, not in writing but as a result of a verbal report, and if Mr Pym was sitting in Washington, talking to Haig, knowing that the *Belgrano* had changed course to leave the field of battle but was still (because of the decision of 23 April liable to be destroyed) how serious was his activity?

(Mr Heseltine.) Well, I would have to see the particular quotation you have in mind that Lord Lewin used. I have a feeling he was referring not to Mr Pym—to the Prime Minister—but I would not want to respond to something he had said without the words in front of me, unless the Committee itself felt the most appropriate thing was to perhaps talk to Lord Lewin himself.

113. Well, that might very well be. If I may go on, Secretary of State, during the period you were talking about with all this business about the changes in the Rules of Engagement, were there any changes in the

[Mr Mikardo *Contd.*]

ROE requested that were not approved by Ministers?

(Mr Heseltine.) Many. Well—there were certainly some. Let us put it like that.

114. Could you tell us about the circumstances and reasons?

(Mr Heseltine.) I would have to look at that further.

115. You would want notice—that is fair enough—but doesn't what you have just said conflict with a suggestion you made earlier to the Committee that the political leaders have got to follow automatically all the advice they are given by the military experts?

(Mr Heseltine.) I do not think I have ever said—

116. No you are saying that sometimes their advice was rejected?

(Mr Heseltine.) I think I have said several times in evidence today that the whole purpose of Rules of Engagement is to secure political control. The fact it was exercised reinforces the very important fact that the War Cabinet kept a very close control over the military activities which were pursued on its instructions. That must be right.

117. Just one last question, Secretary of State: was the Rules of Engagement change on the 30 April conveyed to the Security Council?

(Mr Heseltine.) I think I answered that earlier. It was not, because we don't—

118. You told us about 23–24 April.

(Mr Heseltine.) —convey the Rules of Engagement. We gave a general policy notification to the Security Council. That we believed to be appropriate and to the Security Council. That we believed to be appropriate and to comply with our legal responsibilities.

119. What you are saying is your earlier notification covered the 30 April change?

(Mr Heseltine.) That would be right.

Chairman

120. That is a notification, Secretary of State, under Article 51 of the Charter?

(Mr Heseltine.) That is correct.

Chairman: I do not know if we have any further questions about the Rules of Engagement? I think we have covered it fairly completely.

Mr Spearing

121. Can I just take two points: you have told us, Secretary of State, that the Rules of Engagement on the 30 April, of which you are going to supply I think in private a copy, did not apply to the *Belgrano* but did apply to the *25 de Mayo* and you pointed out its aircraft capacity. I take it that it was a threat because it carried aircraft, whereas other surface vessels to which it did not apply were not threats?

(Mr Heseltine.) That must apply, because the Task Force was coming south and therefore the aircraft range important.

122. Indeed. As to the Rules of Engagement changes consequent on the decision of 2 May, can you also, in like manner, let us have a copy of those, together with the precise times at which they took effect?

(Mr Heseltine.) I think I can help you with that detail.[9]

123. Thank you very much. Did that rules change apply to other ships, other than the *Belgrano*, on the surface?

(Mr Heseltine.) On 2 May?

124. Yes.

(Mr Heseltine.) Yes, it did.

125. But that was a general rule then, not related to any specific threat from any specific ship?

(Mr Heseltine.) It arose in the context of the *Belgrano*. I think the Committee will remember, now we are at 2 May. The Argentinian Air Force had attacked our fleet on the night of 1 May. So the context has changed. So if colleagues will realise, we have been talking in the context of changing circumstances. The Argentinian Air Force had attacked our fleet. The Commander of the Task Force, Sandy Woodward, had already indicated the nature of the pincer movement which he perceived, which was obviously a progressive movement. So when we are talking about 2 May change of Rules of Engagement, a different perception of the state of hostilities had already been reached. Also, of course, if I remember correctly, the *Sheffield* itself was sunk on 4 May.

126. Yes, and you have kindly answered my question arising out of the earlier one, that it was a generalised Rule of Engagement which dealt with other ships, not only

[9] For memorandum on the changes in Rules of Engagement see Evidence p 27.

[Mr Spearing *Contd.*]

the *Belgrano*. But would not you agree that it arose out of the detection of the *Belgrano*?

(Mr Heseltine.) I think that it is certainly in that context, because that was the most immediate problem that the Commander had to deal with in the South Atlantic, which was the detection of the *Belgrano*. But it was not just that particular ship, because the nature of the hostilities was changing at that time.

127. Yes, indeed. However, the hurried meeting on Sunday the 2nd arose out of that one request, as far as has been published, by the Prime Minister and others, and not out of the fact that there was general aircraft activity?

(Mr Heseltine.) I think that there was not a hurried meeting. The meeting was already there. It so happened that there was a coincidence between an existing meeting at Chequers and the fact that the military came to Chequers to secure the change of Rules of Engagement knowing that the meeting was either in session or about to go into session.

128. Yes, but you will agree that if the *Belgrano* had not been sunk, if and whoever it was, it was unlikely that that request of the 2 May would have been made?

(Mr Heseltine.) I think it is so difficult to know what would have happened in circumstances that did not exist. You do not know what the Argentine fleet might have done. You do not know what their air force might have done. You simply cannot hypothesise in that way. All we can deal with is what actually threatened the fleet, and the information that we had and military advise that we were given.

129. What we do know is that on the 8 May, rather later, the British Government supplied to the Security Council some further documentation?

(Mr Heseltine.) Yes.

130. In a document, the text of the statement made by the British Minister of Defence on 7 May, you go one further in the last sentence and state that "HM Government warns that any Argentine warship or military aircraft which are found more than 12 nautical miles from the Argentine coast will be regarded as hostile and are liable to be dealt with accordingly". Is that part of, or arising from, the changes in the Rules of Engagement on 2 May?

(Mr Heseltine.) It is a consequence. It is a consequence. It clarifies, in that sense.

131. But it was the first time the 12 nautical miles were mentioned?

(Mr Heseltine.) That is the case. Before that it had been defined as outside the Exclusion Zones.

132. I think, the South Atlantic in general.

(Mr Heseltine.) Obviously specifically the Exclusion Zones, but the relevant point was within them everything was excluded, so to cover yourself outside the Exclusion Zones you had specifically to refer to outside the Exclusion Zones.

133. That statement by the Ministry of Defence, which refers to a statement in the House of Commons by the Foreign Secretary that morning, was conveyed to the Security Council by letter signed by Sir Anthony Parsons on 8 May, but that was nearly a week after the sinking—or at least five days—a delay which Mr Legge referred to in his memorandum.

(Mr Heseltine.) I think that I dealt with this a few minutes ago. The Government's view clearly is that we acted under Article 51, in legitimate self-defence arising from the threat that the *Belgrano* was considered to pose. There was discussion about this matter, as the Committee knows. For further clarification, a further notice was sent on 7 May, not because we think we had not given adequate warning, but because the issue had been raised, and it seemed therefore that it could only add and confirm what we already knew we had done, by giving this further notification on 7 May.

134. Can I ask you why there was delay? In her letter to Mr Foulkes, the Prime Minister made mention of the point made by the Foreign Secretary when he sent a minute on 1 May, and we had the changes in the Rules of Engagement on Sunday 2 May, which led to the sinking. Why was there a further few days before any notification of any further thoughts was made to the Security Council?

(Mr Heseltine.) Again, I would have to have notice of that question, because it is not within my departmental responsibilities in a sense. Of course, as the Committee will realise, the Foreign Secretary had left Britain coincidentally with sending the note that he did about the notification question. He was actually at this time in

[Mr Spearing *Contd.*]

America, having discussions, so he was out of the country.

135. Perhaps that, Mr Chairman, could be arranged in a note?[10]

(Mr Heseltine.) I think it could. I think that the Foreign Office perhaps should address the Committee on that.

136. Perhaps we can ask Lady Young to help us. Article 51 says: "Measures taken by members in the exercise of this right of self-defence shall be immediately reported to the Security Council." Do I take it, then, that the sinking of the *Belgrano*, other than through the newspapers, was officially reported?

(Mr Heseltine.) It was.

137. Additionally to this particular general notification?

(Mr Heseltine.) It was so reported on 4 May, I believe.

138. Thank you. Can I ask something rather different from all this, but it is highly germane, Secretary of State? In your discharge of duties as Secretary of State for Defence, if there is any part of the world where a defence commitment is relatively small in numbers or material—Belize or Lebanon, or something like that, although I do not instance those in the present context—but the political significance is very great, and in his capacity as Secretary of State for Foreign Affairs Sir Geoffrey Howe or another Secretary of State made a request to discuss the matter with you, can you think immediately of any reason that would cause you to decline such a request?

(Mr Heseltine.) Certainly not. If the Foreign Secretary wishes to talk to the Secretary of State, it would be incredible if, as colleagues, one should somehow wish to frustrate that conversation.

Mr Canavan

139. On 4 May, two days after the sinking of the *Belgrano*, your predecessor, John Nott, came to the House of Commons and told us that the *Belgrano* was closing on elements of our Task Force. This was an untrue statement, as it turned out. Did your predecessor or yourself take any action within the Department, about who it was that allowed the draft statement to be approved before the Minister read it out and deceived the House of Commons? Have you conducted an internal inquiry as to the lack of communication between Northwood (who knew about the change of direction) and the contents of the ministerial statement?

(Mr Heseltine.) I must say that I strongly resent the use of the words "deceived the House of Commons", and I think that to use that language shows no sense at all of the responsibility that was borne by my predecessor, Sir John Nott, in that context. I think the Committee will hardly need reminding that on 4 May the *Sheffield* was sunk—not, I have to say, before the statement was made. But if colleagues will think of what the principal preoccupations of the Secretary of State for Defence would have been on that day, when hostilities had been engaged, with Argentine attacks on our fleet, with the fleet sailing to the Falklands and with all the emphasis in the Ministry on the risks and dangers of damage to our people and loss of British lives, that is the background against which must be seen anything that my former colleague, John Nott, did or did not do. The whole of the emphasis of the Ministry of Defence would have been upon the problems of today and tomorrow and the day after, not upon a post-mortem about something that had already happened. I think that it would have been extraordinary—extraordinary—to think that the Ministry would have had any emphasis other than that. John Nott made a statement to the House of Commons on 4 May, and in one or two ways it is inaccurate. It is not inaccurate because he sought to deceive the House of Commons. It is inaccurate because under the pressure upon that man, and the responsibility upon that man, he did not have available to him all the facts as they now, with hindsight, turn out to be. He did not have the time to check all these matters, both because he himself had other things to worry about and because the whole of the military machine had other things to worry about. He did his best. When we have addressed ourselves now, with hindsight, to these issues, we have, I hope, tried to put right the detail that, if we had had it available to us at the time, we could have dealt with it then. But that is the basis upon which that statement was made.

140. Has anyone at Northwood been ticked off for not telling the Minister sooner?

(Mr Heseltine.) I would have found it incredible if the people who were engaged

[10] To be printed as an Appendix to the Minutes of Evidence when published with the Report.

[Mr Canavan *Contd.*]

in the essential task of supporting and advising upon the Task Force had been subjected to some sort of admonition because they had not diverted their energies to checking the records of the sort that you seem to think that they should. I have to tell you that I do not think you can have the first idea of what the conduct of a military exercise of this sort imposes by way of responsibility either upon the political or upon the military commanders.

141. Surely someone at Northwood must have seen the untrue statement in *Hansard*?

(Mr Heseltine.) I think you can have no concept of the atmosphere that happens to surround a military headquarters. The idea that people are sitting there reading *Hansard* is mind-boggling!

Mr Mikardo

142. Could I ask a question which, as far as I know, has not been looked at until this stage? Why did the *Conqueror* go back on 3 May to attack the *Belgrano*'s accompanying destroyers? Was that on advice from Northwood, or on direct orders from Northwood, or was it on the initiative of the *Conqueror's* commanding officer?

(Mr Heseltine.) The *Conqueror* was instructed politically not to attack the ships searching for survivors after the sinking of the *Belgrano*. If I may say so, that is an indication of the political control that was exercised.[11]

Chairman: Minister, I think we have only got one further topic to consider, which is the Government handling of information.

Mr St John-Stevas

143. I think I can deal with it really quite briefly, Mr Chairman. I can say to the Secretary of State that his evidence this morning has been most interesting and lucid and has thrown a great deal of new light on the problems that are present in the public mind. In view of the debate that has taken place, that is now taking place and that is likely to continue, will the Government now publish a comprehensive and detailed account of the events which led to the sinking of the vessel? Because unless something like that is done, this controversy will continue unsatisfactorily to simmer, and a publication of a document of that kind I think would put the whole matter in context and would be of material help to the public in forming a judgment on this issue.

(Mr Heseltine.) I have considered this issue and I would have to take leave with you on the judgment that such a document would satisfy the controversy. The people who have been pursuing this campaign for further information based on the assumption either that the Prime Minister enjoyed the conflict or was seeking to disrupt the Peruvian peace initiative, are not going to be satisfied with the publication of a document. One of the things which influenced my mind profoundly when I came to the original judgment on how to deal with the "Crown Jewels" was that it was quite apparent to me that the more information we provided the more it would be argued yet more information was needed, trespassing very rapidly into areas into which the Government was not prepared to go. My judgment has been more than substantiated by the letters which have been flowing into my Department from exactly the same source which began this campaign in the first instance. I have been constantly asked for information which it would be unthinkable for a Minister to provide, and the Prime Minister has made absolutely clear, and quite rightly, that we will not provide it. If I were, or the Government were, to involve ourselves in some sort of White Paper it would say nothing more than what I have said to you and everything I have said to you is broadly consistent with what I have already said. The immediate step would be a condemnation of the White Paper for not moving into areas of national security, which we would not be prepared to do. I cannot settle the controversy in the minds of those who are actually pursuing this issue and, if I may say so, with respect, in the minds of the vast majority of the people in this country the Government did precisely what it was meant to do in a timely way.

144. But it is precisely the minds of those people I am thinking of. Of course those who are passionate partisans in this conflict, on one side or the other, are not going to have their minds altered or be satisfied by any kind of paper, but since we are still a country governed by public opinion and by a Parliamentary process, would it not be of help to that process if the Government set out, as objectively as they could, these events, listing also the mis-statements which have been made, etc, which one perfectly understands under the circumstances and in the light of the pressure of circumstances? Would that not be a contribution to the public understanding of the matter and be of very great value; and to Parliamentary understanding?

(Mr Heseltine.) I do not see any further information to add to the letters, the very comprehensive letters, the Prime Minister has sent to members of the shadow cabinet dealing with these issues in great detail, and the letters were designed virtually in order to provide a kind of comprehensive survey of the circumstances as they were; any repetition of those letters in the form of some White Paper or Government statement would not add to the knowledge but would, in our view, create exactly the same response as the letters, in other words, the same repetition of the same charges and same demands for more information of a sort that no responsible government would dream of providing. I do not think we would add to the knowledge of those who are sympathetic to the Government's position or add to any reduction of public concern, because I do not think the public concern is very widespread, indeed very much the reverse, on this matter. I think the issue is clearly understood, and it would not stop the campaign.

Mr St John-Stevas: I, of course, respect your judgment in the matter, though I do not myself agree with it, but perhaps we will have to rely on the publication of our report in due course to fulfil that function.

Mr Mikardo

145. In that connection, would it not be helpful if you were to make available to this Committee the document, the report, which you have called the "Crown Jewels"?

(Mr Heseltine.) That would, I am afraid, be to make available to this Committee documents of a security classification which it would not be possible for us to do.

146. This Committee is not interested in digging into security matters—first of all, we are not the Select Committee on Defence. Would it not be possible to make that document available with excises which we would perfectly well understand?

(Mr Heseltine.) But if the excises were to be carried out the document would produce nothing which is not already in the public domain.

Mr Spearing

147. There has been some report and speculation, and I believe some public comment by a former member of the Defence Staff, concerning the alleged presence of the Polaris submarine on beat or out of beat in the Atlantic, and I think there has been some mention of 21°W 12°S. Have you any comment to make on this, at this stage?

(Mr Heseltine.) This is a classic example of the sort of campaign that has been pursued. We have made it absolutely clear that there has been no change in the Polaris mission and we have stuck rigidly to the rule that the location, whereabouts, mission, directives of our Polaris submarines is highly classified information and, of course, would not be revealed. But we equally have made it clear, confirmed by a Parliamentary Answer by Lord Trenchard, that there was never any question of the Government agreeing to use nuclear weapons in the South Atlantic.

148. Reverting to the last answer which you gave on the comprehensive account, we appreciate there has been agreat deal of information published by Government and by Government spokesmen, formally and informally, would it not be an advantage for this to be consolidated, even if it were within the rules which you referred to much earlier this morning?

(Mr Heseltine.) I would have thought that the broad position as the Government sees it has been actually incorporated in the letters which the Prime Minister sent, and that was one of the thoughts in the minds of us who played a role in drafting these letters, which were to set out the situation as comprehensively as we could and answer the questions specifically but drawing a wider picture, so people would discover the thinking and movement of events.

149. But would not a White Paper, in those circumstances, be more appropriate than letters to ingenuous and questioning back benchers, however accurate or inaccurate they were in their questions?

(Mr Heseltine.) But I do not think a White Paper would deal with the central question of whether we could satisfy those who are launching the campaign. My own view is that we would not because the White Paper will not trespass into areas where the Government has said it will not go, and that is where those fighting this

[11] *Note by Witness:* As I told the Committee *HMS Conqueror* was instructed not to attack the ships searching for survivors from the *Belgrano*. This instruction was given by the Commander in Chief Fleet and not by Ministers.

[Mr Spearing *Contd.*]

battle would seek to go through activities based on information they got from the Argentines.

Mr Mikardo

150. Is it not a common practice of anti-libertarian governments to justify secrecy on the grounds that if they give information there are some malevolent people about who will use it for bad purposes? Is that really a justification for secrecy in an era when many countries, the United States notably, go much further in providing free information about Government activities? Is is not a bit thick?

(Mr Heseltine.) I hope the Committee does not think that my presence here is in any way part of an anti-libertarian government; that is not the way it feels from this side of the table! I do not believe that any country would be prepared to move beyond the clear lines the Government has set in terms of national security, unless there was a purpose for doing so. Those who are relying upon Argentine intelligence leaks perhaps will address themselves to the question as to why they have been given those particular leaks or statements in the first place. It is those who actually lie at the heart of the campaign that we are addressing today.

151. I am not concerned about campaigns. I am concerned about the fact that Parliament has a right to know. What goes on by way of campaigns is nothing to do with what ought to be the proper relationship between Ministers and Select Committees and Parliament and that is all we have been pursuing. Is there any truth in the reports that the "Crown Jewels" document was prepared by Mr Ponting?

(Mr Heseltine.) I very much share your first point, that it is Parliament that is at the essence of this. That is why, when the Chairman of your Committee suggested that the Minister should give evidence, within 24 hours I asked if I could be the Minister who would do that, because I strongly support the concept of such committees and feel they have an immensely valuable role in constraining governments, and so I agreed with that. The document which is known as the "Crown Jewels" was in fact prepared by Mr Ponting.

Mr Canavan

152. Just for the Parliamentary record, and also in the public interest, would you consider publishing a full list of corrections to misleading or untrue statements which were made by Ministers either in the House of Commons or the Lords or elsewhere?

(Mr Heseltine.) I would not wish to produce a highly selective document of that sort without going into great discussion and detail as to what the particular circumstances of each situation were, and that takes us back to exactly the letters that the Prime Minister has written. That is precisely what she did.

Chairman: Secretary of State, we are very grateful indeed for your coming here and in fact for having agreed so quickly when we asked you in July to come. I think I can say with the King in Hamlet, "Let this gentle and unforced court of Hamlet sit smiling to our heart"! That completes I think our questions this morning. You have indicated that there may be a few points which you can tell us in private. I think that is best done in writing so we can consider them carefully and so can you, and so we will not detain you any further this morning. Thank you very much indeed.

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CHANGES IN RULES OF ENGAGEMENT DURING THE FALKLANDS CONFLICT (FI 90)

Memorandum by the Ministry of Defence

1. The Rules of Engagement (ROE) were changed often during the Falklands Campaign to meet the changing circumstances in which the Task Force found itself. These changes are listed in Annex A.[12] As requested by the Committee, this includes the date of the change, the reason for the change and its outcome which has been interpreted as action by the Task Force against Argentine units under a particular ROE.

2. The list covers ROE for ships, submarines and aircraft. In the circumstances of the Falklands conflict, in which the land forces were faced on landing with an overtly hostile force, specific ROE were not required for them.

3. The terms of the ROE affecting the Argentine carrier *25 de Mayo* which was agreed on 30 April and the ROE changed on 2 May are given in Annex B.[12]

4. All ROE, and changes to them, were approved by Ministers. In most cases, this approval was by the group of Ministers chaired by the Prime Minister, which was popularly referred to as the "War Cabinet". In a few cases, the Secretary of State for Defence approved a detailed change within broad principles agreed by the group.

5. Proposals for changes in ROE were usually instigated by the Services either in Task Force Headquarters at Northwood or in the MOD. These proposals were normally discussed extensively by military and civilian staff at official level in the Ministry of Defence and with officials in other Government Departments before being considered by Ministers. The original proposals were often modified during this process before being considered by Ministers. The principal occasion when Ministers did not accept a proposed change in ROE following this process occurred at the beginning of June 1982 and concerned operations * * *.

MOD

December 1984

[12] Not reported.

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HOUSE OF COMMONS

FOREIGN AFFAIRS COMMITTEE

Session 1984–85

THE EVENTS SURROUNDING THE WEEKEND OF 1–2 MAY 1982

MINUTES OF EVIDENCE

Wednesday 14 November 1984

Mr A Gavshon and Mr D Rice

Ordered by The House of Commons *to be printed 14 November 1984*

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WEDNESDAY 14 NOVEMBER 1984

Members present:

Sir Anthony Kershaw, in the Chair

Mr Dennis Canavan
Mr Robert Harvey
Mr Jim Lester
Mr Ian Mikardo
Mr Nigel Spearing
Mr Peter Thomas
Mr Bowen Wells
Mr Michael Welsh

APPENDIX 8

FALKLAND ISLANDS (FI 39)

Memorandum by Mr A L Gavshon and Mr D Rice

INTRODUCTION

1. The terms of reference governing the inquiry undertaken by the Foreign Affairs Committee includes an examination of "the prospects for a negotiated settlement in the light of.... previous failures to secure such a settlement". In this context a special relevance attaches to the circumstances in which the peace initiative launched by the government of Peru (with US backing) collapsed on 2 May 1982.

2. The Peruvian formula for a settlement differed from previous peace proposals in content. It made no mention of sovereignty. Administration of the Falkland Islands was not to be shared nor restored to Britain but vested in third parties. British insistence on rights of self-determination for the islanders was omitted. There was to be simultaneous and mutual withdrawal of forces. These terms were not likely to have been hailed as a triumph by the Prime Minister's followers in Parliament.[1]

3. It was distinctive in two other respects—in mode of presentation and in timing. The plan was formulated (with US help) by a country strongly supportive of Argentina; through April the proposals placed before the junta by former Secretary of State Alexander Haig had proved unacceptable not only in substance but also because Haig was deemed to be acting in Britain's interests. The factor of timing was all-important. On the day it was transmitted telephonically to Leopoido Galtieri by fellow-President Fernando Belaunde Terry the bombs had begun to fall and the guns to fire on Argentine positions wreaking a toll of 56 casualties. It was on that day too that Argentina's top generals and senior officers had called on Galtieri to sue for peace because the nation's armed forces were in no position to wage all-out war against the British.

4. On the evidence of Haig and Belaunde, playing the role of umpires, it was the first time an agreement seemed to be within sight since Argentina invaded. Galtieri himself, Nicanor Costa Mendez' Foreign Ministry and the junta's key Working Group of senior Navy, Army and Air Force officers found the terms acceptable and expected the full Military Committee to endorse it that evening. Pym's initial reaction, he has since disclosed, was sceptical; the outline he regarded as being too "sketchy" did not, for

[1] The 2 May peace plan formulated by Belaunde and Haig was based on UNSC Resolution 502 and left aside the question of the Falkland Island Dependencies. Here are the main points.

a. ceasefire.
b. withdrawal of forces.
c. administration vested temporarily in a four-nation contact group.
d. recognition that British-Argentine claims were in conflict.
e. a commitment to consult the islanders about their wishes/aspirations and interests in any final solution.
f. the contact group to begin the process of implementation immediately next day.
g. An 30 April 1983 deadline for a definitive settlement that would be supervised and guaranteed by the contact group.

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instance, meet Mrs Thatcher's condition according paramountcy to the "wishes" of the Falklanders. But by 7 May, with some of the terms revised, Pym indicated in Parliament that a basis of agreement did exist. But then it was too late.[2]

5. On the night of Sunday 2 May the Peruvian initiative foundered. What, until a few hours before, had been a controlled confrontation between British and Argentine forces suddenly escalated into full-scale conflict which only ended six weeks and more than 1,000 deaths later.

6. There had been two developments:

(a) At 1601 Argentine time (1901 GMT) the nuclear-powered submarine *HMS Conqueror* torpedoed the Argentine cruiser *General Belgrano* with the loss of 368 lives. *Belgrano*, due for retirement after 44 years' service, was outside the Total Exclusion Zone and homeward bound at the time. The decision authorizing the attack had been taken by Prime Minister Margaret Thatcher's war cabinet at Chequers seven hours earlier. Mrs Thatcher and her ministers subsequently insisted first word of the Peruvian proposals reached London only three hours *after* the *Belgrano* went down. Cecil Parkinson, at the time a member of the war cabinet, told a Panorama TV interviewer on 16 April 1984, he and his colleagues knew about the Belaunde initiative *before* they changed the Rules of Engagement to permit the Conqueror to attack the *Belgrano*.

(b) News of the *Belgrano*'s destruction reached members of the junta soon after 1900 (2200 GMT) while they were considering the recommendations calling for approval of the Peruvian proposals. Angry uproar greeted Admiral Jorge Isaac Anaya's announcement of the sinking. With passions aroused and pride committed the junta suspended further discussion on the option for peace and resolved instead that the fight must go on.

7. Authorities in Washington, Lima and Buenos Aires have at no time seriously questioned the proposition that the sinking of the *Belgrano* gravely jeopardized, if it did not actually destroy, prospects for the success of Peru's attempt to arrange a negotiated peace. Pym has argued that the incident had no such effect. Other British politicians and officials have, in addition, suggested that there was no certainty the junta would have accepted the proposals if the *Belgrano* had not been attacked. Equally, there could have been no certainty that a rejection would have been inevitable in those circumstances.

8. What appears to be beyond argument, however, is that the sinking turned out to be the pivotal event of the South Atlantic crisis. Before it took place peace always seemed possible; afterwards it was all-out war. On a political level the incident transformed world opinion. Britain, regarded initially as the innocent victim of aggression by an unpopular authoritarian regime, was seen as the power responsible for escalating the conflict disproportionately. The huge casualty toll evoked memories of the second World War. As a consequence the government defensively fell back on a series of rationalizations in attempting to justify the attack. As each cover story fell away under challenge a new one was advanced. The effect was to intensify controversy. Controversy generated speculation. Speculation fed suspicion.

9. This memorandum examines official British claims that no word of the Peruvian initiative reached the government until Francis Pym's account came in after the sinking. It scrutinizes some of the dozen or so varying official explanations offered in defence of the action. And it assesses whether there was a real or imagined linkage between the attack on the *Belgrano* and the breakdown of Peru's initiative. However no attempt has been made to analyze the US role in the affair because that would seem to stretch the Committee's terms of reference. By way of background it nevertheless should be noted that (a) Haig at the start of his mediation admitted his mission had little hope (b) US concern was focussed less on the South Atlantic and more on the Mideast where the

[2] Pym's criticism of the Belaunde-Haig proposal went further. He found it imprecise, incomplete and too much like previous suggestions rejected by Argentina. In contrast Belaunde, Haig and even Costa Mendez considered simplicity was its real merit. By focusing only on the elementary principles of the dispute the comediators thought they had created conditions for quick follow-up negotiations and easy implementation. There was another factor which Pym failed to point out. Considerable agreement on the modalities of any peace arrangement already existed. The Haig Memorandum of Agreement of 27 April 1982—which Mrs Thatcher authorized the US Secretary to present to Buenos Aires—incorporated substantial portions of Argentina's own peace proposals submitted eight days earlier. Texts of each appear as Appendices 2 and 3 in *The Sinking of the Belgrano* (pp 186 to 194).

Americans knew Israeli plans were evolving for the intervention against the PLO in the Lebanon. That situation commanded greater attention from President Reagan's administration than the Falkland dispute.

TRANSATLANTIC SILENCE

10. A phase of intensive diplomacy followed the ending of US mediation in the Falklands dispute on 30 April 1982. The Peruvian initiative was at the centre of exchanges which also involved the United States, Argentina and, depending on which version one accepts, possibly the United Kingdom. A detailed account of those exchanges is attached to this memorandum as Appendix A.

11. A conflict of evidence has arisen over precisely when the British government first learned about the existence and content of the Peruvian peace proposals—whether before or after the *Belgrano* was sunk. The issue is one of considerable importance. It raises the question of whether the war cabinet authorized the attack knowing there still was a prospect of peace however slender; or whether it was truly ignorant of what had been happening in Lima and Washington from early Saturday 1 May onwards.

12. If members of the war cabinet took the decision knowing peace talks were under way it would imply that parliament and the people have been misled and that the logic of their military advisers was permitted to transcend the political judgement of ministers. If they were in fact ignorant of the peace talks it would imply that the British embassies in Washington and Lima had failed to keep London properly informed and that Francis Pym was, to say the least, slow in reacting to the significance of what he was being told by Haig at their Sunday 2 May meeting and over their lunch that day.

13. The clearest and most recent Prime Ministerial statement on the matter was contained in Mrs Thatcher's 4 April letter to Denzil Davies: "Ministers agreed to the proposed change in the Rules of Engagement at about 1 pm (1200 GMT) London time on 2 May. Orders were sent immediately to *HMS Conqueror*, which attacked the *Belgrano* at 8 pm London time (1900 GMT). Because of the indications that the *Belgrano* posed a threat to the task force, her precise position and course at the time she was sunk were irrelevant. The first indications of the possible Peruvian peace proposals reached London from Washington at 11.15 London time (2215 GMT) and from Lima at 2 am London time (0100 GMT) on 3 May."

14. Cecil Parkinson, then a member of the war cabinet who was at Chequers, appeared to contradict Mrs Thatcher when he told an interviewer for BBC's Panorama programme broadcast 12 days later: "We knew that all sorts of people were .... people who wanted to see a peaceful solution, which we wanted to see, which the prime example is ....was President Belaunde, trying to take up where General Haig had left off but we couldn't ...."

15. Pym had flown into Washington by Concorde around 1800 (2200 GMT) Saturday 1 May "fully briefed" on the military situation, his successor Sir Geoffrey Howe told Labour MP Tam Dalyell in a letter on 12 April 1984. That suggested he knew then *Belgrano* was in *Conqueror's* sights; and also that he knew the government intended using "more military force" and wanted the carrier *Veinticinco de Mayo* destroyed. If that were so it is not easy to understand why he told journalists on arrival that the day's military activity was intended to "concentrate Argentine minds" on the need for a peaceful settlement. He added reassuringly: "No further military action is envisaged for the moment other than making the Total Exclusion Zone secure."

16. In the Foreign Secretary's absence Sir Anthony Acland, permanent Under-Secretary for Foreign Affairs, attended the Chequers meeting. Parkinson and Admiral of the Fleet Lord Lewin, then Chief of the Defence Staff, both told Panorama Acland kept in regular contact with Pym and advised him about the change in the Rules of Engagement. "I have no reason to believe that he (Pym) didn't agree with that decision," said Parkinson.[3]

[3] During an extended interview on 29 June 1984 the writers asked Lord Lewin if Francis Pym, in Washington, had been made aware that the Rules of Engagement (ROE) had been changed to permit the *Belgrano* to be attacked. "Certainly he knew," the former Chief of the Defence Staff replied. "Of course he was aware of it." Lewin recalled that Sir Anthony Acland, attended the Chequers meeting and telephoned Washington with word of the War Cabinet's deliberations, including its authorization for a change in the ROE. His impression was that the call was made after ministers completed their business —between 1700 and 1800 hours (1200 and 1300 hours Washington time.) He did not, however, rule out that Acland may have made the call earlier, meaning immediately after the decision was taken at about 1300 hours London time. Pym later told the Foreign Affairs Committee that London's message reached Washington Sunday morning, 2 May. Q391 HC (1983-84) 268-vi

17. Pym confirmed he did not disagree and accepted the fact that, being away, he could not be consulted on the decision to sink the *Belgrano*. He told the Foreign Affairs Committee of the House of Commons on 11 June 1984 his talks with Haig had ranged over all aspects—economic, military and strategic—of the situation in the South Atlantic. He said he had not been especially impressed by Haig's account of the Peruvian plan—it required a lot more work. That was why he felt no need formally to report to London until later in the day even though, between his tete-a-tete with Haig at the State Department and their subsequent lunch at the British Embassy, he was with Ambassador Sir Nicholas Henderson for about an hour. He thus had time either to telephone or dictate a despatch advising his war cabinet colleagues about what Haig had told him.

18. After his two-hour session with Pym, Haig received a confirmation from the Peruvians that Galtieri had accepted the peace proposals in principle, subject only to ratification by the whole junta that evening; also that arrangements were being made for immediate implementation. This led him to call Pym at the British Embassy for the purpose of impressing on him the importance the US attached to those proposals. One has to assume Haig made that call because he felt that the Foreign Secretary needed prodding. Whatever the reason, Pym decided against speaking to Haig; instead he instructed Henderson to telephone the Secretary back and emphasize that Pym, indeed, did regard the Peruvian proposals and significantly any *other* peace plan very seriously. He since has explained he declined Haig's call because he did not want to miss his flight to New York even though there is a regular air shuttle between the two cities. The incident raised eyebrows as well as a key question: behind the excuses did Pym refuse Haig's call because he could not, in good conscience, speak directly with his close ally without telling him that the destruction of the *Belgrano* was imminent? There can be little doubt that if he learned at that crucial moment the British were about to mount a major operation Haig would have hit the roof. Pym, a seasoned politician, would have known that.[4]

19. Publicly and privately Haig, Belaunde, Peruvian Prime Minister Manuel Ulloa and Arias Stella have said they were convinced British ministers were made fully aware of the progress then being made as the Peruvian initiative gained momentum. On 30 November 1983 a former member of Haig's staff reported that the Secretary of State's office was equipped with a secure direct telephone line to 10 Downing Street and that each development was relayed thus to London. Ulloa and Arias Stella have claimed they kept Wallace closely informed at all stages of the Peruvian exchanges with Buenos Aires and Washington. Wallace disputes this.[5]

20. These things, taken together with information that has filtered through confidentially from other war cabinet ministers, makes it extremely difficult to avoid the conclusion that those present at Chequers knew before the decision on the *Belgrano* was taken that a Peruvian peace initiative was under way.

COVER STORIES

21. The ever-changing cover stories advanced by British ministers and officials to explain the circumstances surrounding the sinking of the *Belgrano* appeared to conform with the traditional ambivalence which has characterized the approach to the Falklands dispute followed by successive governments. These shifting versions reflected not only what seemed to be ministerial discomfiture over a controversial episode but also the government's failure to get its act of presentation together. Some aspects of the affair have had to be discarded under challenge in the House of Commons or by investigative journalists. Others have remained in doubt because they have been disputed by various

[4] In an interview with Arthur Gavshon on 25 July 1984 in Washington, Gen Haig acknowledged that he would have been "most outraged" if he suspected that the *Belgrano* had been sunk in order to wreck the Peruvian-American initiative for peace. "I clearly don't know all the details," he added "(but) it would have been inconceivable to me to believe that Perfidious Albion was alive and well."

[5] Wallace also has disputed a statement made by Haig in his 25 July interview with Gavshon to the effect that "the British Ambassador was in on every bit of the negotiations in Peru." The former Secretary of State insisted, under close questioning, that Wallace was "right in with the President ... on a couple of occasions" while Belaunde was on the telephone speaking with him (Haig). "He constantly made reference to him," Haig added in relation to his talks with the Peruvian leader. And he said he assumed Wallace was reporting back to London.

participants including Haig, Belaunde, Ulloa and Arias Stella. The details are too numerous to incorporate in this memorandum. They are, therefore, attached as Appendix B.

22. We acknowledge that in times of war or national emergencies governments have to function under a variety of constraints. Truth usually becomes an early casualty. Military and political misjudgements are bound to occur. Intelligence reports are not always assessed accurately and in any case may be mistaken. The prime responsibility of a nation's leaders has always to be to safeguard the lives of their servicemen in the drive for victory.

23. With all that said we suggest it would not be asking too much to expect any government in this democratic country to take the nation into its confidence and openly acknowledge any blunders that may occur. Such a course would command respect rather than contumely. A policy of consistent concealment would, conversely, generate doubt, mistrust, cynicism.

24. From the first announcement of the reasons for the attack on the *Belgrano* until today governmental efforts to justify the action have been variable and therefore dubious. In turn leaders of the opposition parties—Labour, Liberal and Social Democratic—with differing degrees of vigour urged the need for an inquiry into the affair to reconcile disparate versions even though the issues involved are hardly vote-winners.

25. We call the attention of the Foreign Affairs Committee to two specific situations which display the sort of confused and contradictory perceptions that certainly should be avoided if future negotiations for settlement are to succeed:

(a) The record shows that Pym and Haig, men who were presiding over the conduct of their countries' foreign policies, had diametrically opposite understandings of what they had been discussing and of the conclusions they had reached. Haig thought they were "down to words, single words and specifically in two paragraphs of the six points" relating to a text of the peace plan. Pym dissented insisting "no text (was) discussed between us, no actual words". Again, Haig said he telephoned Pym Saturday night, soon after his arrival, about the initiative. Pym had no memory of that. Haig maintained that the Peruvian plan "gained acceptance in principle" from Britain and Argentina. Neither Pym nor his cabinet colleagues confirm that.

Flowing from those misunderstandings Mrs Thatcher's claim warrants study that first word of the Peruvian proposals reached London at 2215 GMT 2 May when it was too late to undo the attack on the *Belgrano*. On the assumption that she was correct it seems fair to ask why the Washington and Lima embassies failed adequately to keep London informed. Literally thousands of lives were at stake in a war-or-peace situation. The Foreign and Commonwealth Office has always prided itself on the efficiency and competence of its operations. What went wrong?

(b) In writing to Denzil Davies the Prime Minister retracted past governmental claims that the *Belgrano* was spotted only a few hours before being torpedoed and that she was "closing in" on the task force. Instead she acknowledged the accuracy of the information in our book, *The Sinking of the Belgrano*, saying that *Conqueror* first detected the cruiser on Friday 30 April and sighted her early next day. In other words *Conqueror* had been trailing her more than 30 hours before the attack. Mrs Thatcher then went on to repeat the discredited theory that *Belgrano* "posed a threat" to the task force because the "indications" (intercepts?) were that she was part of a hostile pincer movement. And so because she "posed a threat" Mrs Thatcher asserted the *Belgrano*'s position (outside the Total Exclusion Zone) and her course (homeward for eleven hours) were "irrelevant" meaning it did not matter if she was steaming toward, or away from, the task force. If the Prime Minister's version was correct it would have made better military sense to have eliminated the "threat" of the *Belgrano* much earlier when, at times, the cruiser was nearer to the task force.

26. The theory had been discredited at various times by officials of Mrs Thatcher's own government. "(The *Belgrano*) was not an absolutely immediate threat to our surface ships," Admiral of the Fleet Lord Lewin told the Panorama interviewer. The former Chief of the Defence Staff added: "She didn't become an immediate threat because we sank her." She was, in other words, a potential threat. Lewin here seemed to be out of tune with his Prime Minister and it was not the only time. Mrs Thatcher told BBC's

Newsnight programme on 2 June 1983 just before the election, that the British found and lost the Argentine carrier *Veinticinco de Mayo* twice. But Lewin told Panorama there had never been contact with the carrier and so there had been no chance to sink her. The admiral, who sallied into television studios and newspaper headlines frequently after retiring, was in no doubt that the *Belgrano* had been directing air attacks on the task force. Asked by Panorama's interviewer how he had got his information he replied that he had read it in the book by Max Hastings and Simon Jenkins entitled *The Battle for the Falklands*.

27. On 5 May 1982, John Nott as Defence Secretary and a member of the War Cabinet told Parliament: "The actual decision to launch a torpedo was clearly one taken by the submarine commander". He knew otherwise because he attended the war cabinet meeting which authorized *Conqueror* to torpedo the *Belgrano*. From that time on British ministerial and official statements have swerved and slithered. The government's credibility became suspect. It needs restoration before any new negotiations for a settlement begin.

LINKAGE

28. The Thatcher government has maintained the sinking of the *Belgrano* and the failure of Peru's peace initiative were parallel but unconnected events. It has insisted purely military considerations motivated the attack because the cruiser posed either an immediate or, as Lewin says, a potential threat to the task force. Pym told BBC's Newsnight on 2 June 1983: "There was no connection between the two things and it's quite wrong to suppose that there is."

29. This explanation has been challenged. Specific charges have been made inside and outside Parliament that the *Belgrano* was destroyed precisely in order to wreck the then promising prospect of a compromise settlement initiated by Peru with US help. Neil Kinnock added his authority to this sense of disquiet when, in an analysis of shifting governmental statements, he said on 1 June 1983: "The Falklands may not be, and should not be, an election issue. The judgement and credibility of the Prime Minister is. Since she and her government have drawn credit from their conduct of the Falklands conflict they should be eager to demonstrate through a public inquiry into the sinking of the *Belgrano* that their orders were not given before all prospect of negotiated peace on acceptable terms was absolutely exhausted. Without such a thorough and impartial investigation the feeling will continue to exist that the *Belgrano* was sunk before the means of securing a bloodless defeat had been fully exploited."

30. Leaders of the Liberal and Social Democratic parties supported the calls for a public inquiry into the affair. The controversy remains alive even now in late 1984.

31. It follows, therefore, that even if the government is right in claiming that the two events were not connected when they took place, some sort of linkage has evolved since and does exist whether it is imagined or merely suspected. Factors that have contributed to such a belief include the inconsistencies in official explanations of the attack; contradictions between Britain's perceptions of the progress achieved by the Peruvians and the perceptions of US, Peruvian and Argentine governments; differing ministerial statements on the key question of whether the war cabinet did or did not know that a last-ditch attempt at a compromise was under way.

32. There are two other considerations, one circumstantial, the other speculative:

(a) On the cause-and-effect concept, only the British of the four governments involved has disavowed the idea that the sinking gravely harmed if it did not actually wreck the prospects for the success of the Peruvian initiative.

(b) On timing, British ministers have failed to explain why they withheld authority for an earlier attack on the *Belgrano* when at times it may have been nearer, and therefore more of a danger, to the task force. The day-long delay in issuing the order has aroused speculation that ministers in reality were kept informed about developments in the peace talks but anticipated failure; and when prospects brightened they realized they would have to face stiff American, and general international, pressure to settle for something less than they were prepared to accept and they therefore acted in the way they did.

CONCLUSIONS

33. All the prima facie evidence on public record and additional information made available to us confidentially by qualified authorities in four capitals suggest the general content of the Peruvian peace proposals reached British ministers through informal channels *before* the Rules of Engagement were changed. General Haig and President Belaunde both believe that the British government accepted the plan in principle, as Galtieri had done, subject to later confirmation.

The credibility of the British government has not been enhanced by the constantly amended rationalizations offered during and since the South Atlantic conflict on the sinking of the *Belgrano*.

The attack on the Argentine cruiser was linked to the breakdown of the Peruvian peace initiative at least (a) in cause-and-effect terms and (b) in its timing immediately ahead of the junta's crucial meeting when the *Belgrano* posed less of a threat than at most moments since being sighted on the morning of 1 May.

Arthur Gavshon — London

Desmond Rice — 10 *June* 1984

APPENDIX A

A Chronicle of Diplomatic and Military Developments from 30 April to 2 May 1982.

30 APRIL:

In Washington at 1130 (1530 GMT) Haig announced the end of his mediation mission, imposition of sanctions against Argentina, an offer of material support for Britain. He added: "The United States remains ready to assist the parties in finding that (early and fair) settlement. A strictly military outcome cannot endure over time."

In Buenos Aires, Nicanor Costa Mendes, then Foreign Minister, assailed the US action as "unjustified and inopportune" and observed it seemed to have been "scheduled to fit in with the operational plan of the British fleet". On that day main elements of the task force were being deployed for action within the newly declared 200-nautical-mile Total Exclusion Zone around the Falklands.

In Lima about three hours after Haig's announcement, Javier Arias Stella, incumbent Foreign Minister, telephoned US Ambassador Frank Ortiz and expressed his government's fear that a dangerous military situation was building up; he proposed a determined new effort for peace citing Haig's readiness to go on trying. Ortiz responded positively and immediately contacted the State Department. So began the late, desperate Lima-Washington bid to head off war with officials of both countries working urgently to produce a set of new proposals.

In London ministers decided on the use of "more military force" and ordered the "destruction" of Argentina's lone carrier, the *Veinticinco de Mayo*. Signals reporting this were sent to nuclear-powered submarines attached to the task force. The carrier at the time was north of the islands in an area being patrolled by *HMS Splendid: Conqueror* was ordered to locate the *Belgrano* and by 1600 (1900 GMT) had picked up her group's signals.

1 MAY:

The pace of consultation quickened as the British launched air and sea strikes on Argentine positions in the Falklands exacting 56 casualties. Argentine authorities mistakenly assumed the naval bombardment, plus sudden shore forays by SAS and SBS units, were the start of a full-scale counter-invasion. This by mid-afternoon led the Argentine Naval High Command to order its ships at sea to search and destroy British vessels but by nightfall the order was countermanded when it was realized that the "counter-invasion" had been no more than a feint. By about midnight all Argentine ships were called back to home waters.

Meantime the diplomats and politicians were hard at work. From 0900 to 1400 (1400 to 1900 GMT) Peruvian President Fernando Belaunde Terry and his ministers worked intensively with the Americans (including Haig personally) on drafts of a new peace plan that seemed closer to Argentine than to British ideas for a settlement. Haig, broadly, was reflecting British terms while Belaunde was speaking up for the Argentines. British embassy officials remained in touch with their State Department colleagues; Peruvian ministers insist they kept both the Argentine and British Ambassadors (Charles Wallace) closely informed of all developments. By Saturday night the draft plan had been completed after a long Haig-Belaunde telephone talk.

Belaunde undertook to transmit the new proposals to Galtieri and did so by midnight Lima time. Haig said he would pass them on to Pym who meanwhile had flown into Washington for talks with the Secretary of State next day. Haig recalled later that he had telephoned Pym Saturday night; Pym said he does not remember talking with Haig that night.

Pym on 20 May 1983, wrote in a letter to the *Daily Mirror* that the purpose of his visit was to discuss the consequences of the US decision to support Britain in the conflict; in other words to arrange for Britain's material needs. He gave a different version to the BBC's Panorama progamme broadcast 16 April 1983: it was to make a final effort to reach a negotiated settlement.

Galtieri's first reaction to the new proposals read to him by Belaunde was cautious but generally favourable. He had been shaken by two developments during the day. The first was the severity of the initial British air and sea attacks. The second was a demarche by the overwhelming majority of Argentine generals urging the junta to sue for peace because the country's armed forces were simply in no state to take on the British.

2 MAY:

By dawn about all surface units of Argentina's high seas fleet were homeward bound, the *Belgrano* included, according to British as well as Argentine information. Exchanges between Lima and Buenos Aires and Lima and Washington went on continuously. By the middle of the day Galtieri's acceptance in principle of the Belaunde-Haig proposals was confirmed; the ratification by the junta was expected that night because a meeting had been set for 1900 (2200 GMT).

When a second confirmation of Galtieri's acceptance in principle reached Haig he took the trouble to call Pym at the British Embassy to stress what he perceived to be the significance of the situation as it then existed. Haig, as he was to confess in his memoirs two years later, knew that his job was on the line in the outcome of his role over the Falklands. If he pulled off a peace he would, for an indefinite time, be secure against the attempts of his rivals in the administration to oust him; but if he failed his number was up. That, perhaps, was one of the factors that caused him to put so much into the Peruvian effort the administration was backing. At all events Pym decided against taking Haig's call. The reason now appears plain. He had been advised of the war cabinet's decision to change the Rules of Engagement and take out the *Belgrano*. Knowing these things he could not discuss peace prospects with his closest ally at a moment when peace prospects were about to be jeopardized by the decision of the war cabinet. So he had Henderson call Haig back on his behalf.

While all this was going on *HMS Conqueror* was positioning herself to fire off its torpedoes against the foredoomed cruiser. At 1601 (1901 GMT) the action began. Within an hour the *Belgrano* was beneath the icy South Atlantic waters and the fate of the peace plan was sealed.[6]

[6] Secretary Haig had the clear impression on 2 May that British acceptance of the Peruvian proposal had been achieved with only a few key words still to be agreed. When news of the destruction of the *Belgrano* came in he was asked by his press spokesman Dean Fischer: "But I thought we had a deal?" According to members of his staff Haig replied: "We did."

APPENDIX B

A CATALOGUE OF INCONSISTENCIES

Official UK Position	Contradictions
ON THE USE OF FORCE First British attacks on Argentine positions on 1 May 1982 were intended to "concentrate Argentine minds" on the need for peace. "No further military action is envisaged for the moment other than making the Total Exclusion Zone secure." (Foreign Secretary Francis Pym, Press Conference, Washington, 1 May 1982.)	A Northwood signal on 30 April 1982 told Commander Wreford-Brown that the government had decided to use "more military force" and had ordered the "destruction" of the Argentine carrier *25 de Mayo*. (30 April 1982 excerpt from diary of crew member of *HMS Conqueror*.)
WHEN THE BELGRANO WAS DETECTED "The next day, 2 May, at 8 am London time, one of our submarines detected the Argentine cruiser *General Belgrano*, escorted by two destroyers." (Sir John Nott, former UK Defence Minister, Commons, 4 May 1982. *Hansard* Col. 29-30.)	"We located her on our passive sonar, and sighted her visually on the afternoon of May 1. We took up a position astern and followed the *General Belgrano* for over 30 hours. We reported that we were in contact with her." (Wreford-Brown, *Our Falklands War*, Geoffrey Underwood, 1983. P.16.)
"I was informed of the *Conqueror's* signal, that she was in contact with the Belgrano, at around 9 or 10 on the morning of Sunday, May 2." (Lord Lewin, former Chief of Defence Staff, *Sunday Telegraph*, 8 April 1984.)	"*HMS Conqueror* ... detected an Argentine oiler auxiliary which was accompanying the *Belgrano* on 30 April. She sighted the *Belgrano* for the first time on 1 May ..." (Mrs Thatcher's letter to Denzil Davies MP, 4 April 1984.)
THE BELGRANO AS "THREAT" "This heavily armed surface attack group was close to the Total Exclusion Zone and was closing on elements of our task force, which was only hours away ..." (Sir John Nott, *ibid.*)	"Continuing passage to an area where the threats are from the cruiser *Belgrano* —an ancient ex-US 2nd World War ship with no sonar or ASW capability, two Allen Sumner Class destroyers—equally decrepit—and an oiler ..." (30 April 1982 entry, *Conqueror* diaries.)
"According to my recollection, that signal reported the *Belgrano* heading towards the Task Force." (Lord Lewin, *ibid.*)	"When torpedoed, we were pointing straight at the Argentine coast on a bearing we had been following for hours." (Captain Bonzo, *Belgrano* commander, 4 April 1983.)
"We were told that the *Belgrano* posed a threat, that it had the capacity within a time of about 6 hours of steaming towards our fleet, getting within range of it ..." (Cecil Parkinson MP, ex war cabinet member, Panorama, 16 April 1984.)	"Absolute nonsense. The nearest British surface ship must have been 250 miles off. I'd have needed 14 hours to catch it at my top cruising speed of 18 knots, provided it stopped dead in its tracks." (Bonzo, 3 June 1983.) "They spent the night meticulously paralleling the exclusion zone about 18 miles to the south of it." (*Conqueror* diarist, 2 May morning 1982.)
"Six hours is a danger ... We all changed the Rules of Engagement to enable a ship which was a danger to our task force to be sunk." (Mrs. Thatcher, Newsnight, 2 June 1983.)	"She was not an absolutely immediate threat to our surface ships." (Lord Lewin, Panorama, 16 April 1984.)

WHO PRESSED the BUTTON? "The actual decision to launch a torpedo was clearly one taken by the submarine commander." (Sir John Nott, House of Commons, 5 May 1982, *Hansard*, Vol. 23, Col 156.)	"I went straight to Chequers and called the war cabinet into a side-room and told them the situation. I said we could not wait. Here was an opportunity to knock off a major unit of the Argentine fleet. The cabinet said go ahead. (Mrs Thatcher) was superb ..." (Lord Lewin, *Sunday Mirror*, 11 September 1983.)
WAS THE HAIG-BELAUNDE PEACE PLAN READY? "All that happened on that day (2 May 1982) was that there were the beginnings of an outline of a possible future basis for negotiations which Mr Haig outlined to me, but that is all that it was." (Pym, Newsnight, 2 June 1983.)	"I most thoroughly disagree that our 7-point peace proposal was at all vague or general or not ready to be put into effect at once. It was the result of very intensive negotiations mainly with Haig whom we always took to be speaking for Britain. We thought that we had worked out a completely practical proposal which had a fair and balanced text completely consistent with the rulings of Security Council Resolution 502." (Arias Stella, ex-Foreign Minister Peru, *Observer*, 12 June 1983.)
"There was no text discussed between us on Sunday, no actual words. We discussed ideas and the headings ..." (Pym, Panorama, 16 April 1984.)	"We (Haig, Belaunde, Galtieri, Costa Mendez) had progressed rather well on the telephone. We were down to words, single words ..." (Haig, Panorama, 16 April 1984.) *Belaunde:* "With the sole exception of this word 'wishes' which the UK has just insisted on, the rest is acceptable?" *Costa Mendez:* "Correct." (Telephone conversation 1200 Argentine time (1500 GMT) 2 May 1982.)
"There was no actual piece of paper with a text being altered—there was nothing like that ..." (Pym, Panorama, *ibid.*)	"The State Department will have the two texts, English and Spanish ... at the hour that you can give your reaction." (Target 10.00 Washington, 2 May.) (Belaunde to Galtieri 01.30 Argentine time (0430 GMT) 2 May 1982.)
WHO ACCEPTED PERU'S PEACE PLAN? "I would of course need to discuss any new proposal with my colleagues on my return. Mr Haig fully agreed that more time and more detailed work were needed." (Pym, *Daily Mirror*, 20 May 1983.)	"We reduced the proposal to five simple points. (Belaunde) gained acceptance in principle from both parties and on 2 May sent an official ... to Buenos Aires with the new paper. But while the junta was ... considering it, the submarine *HMS Conqueror* sank the Argentine cruiser *General Belgrano* outside the blockade zone ... The Argentinians, reacting angrily to the bad news, rejected the peace proposal." (Haig, *Caveat*, Weidenfeld and Nicolson 1984, P. 293-4.) *Haig:* "These words were critical and it was critical to know whether or not they would be acceptable to the British government ... basically, we arrived at some articulations that appeared that they might be." (Panorama, *ibid.*)

WHEN DID LONDON LEARN OF THE PEACE PLAN?

"A thorough investigation of the records confirms that an outline of the American-Peruvian framework proposals was first communicated to London in a telegram despatched from Washington at 22.15 GMT on 2 May, over three hours after the attack on the *Belgrano*." (Cranley Onslow, then Minister of State, FCO, Commons, 13 May 1983, *Hansard* Col 1062.)	*Cecil Parkinson MP:* "We knew that all sorts of people . . . wanted to see a peaceful solution . . . which the prime example was President Belaunde . . ." *Panorama Presenter Emery:* "You knew that on Sunday 2 May?" *Parkinson:* "We knew all the time that there were continuing processes . . ."
"The first indications of the possible Peruvian peace proposals reached London from Washington at 11.15 pm London time (2215 GMT) and from Lima at 2 am London time (0100 GMT) on 3 May." (Mrs Thatcher's letter to Denzil Davies, MP, 4 April 1984.)	*Lord Lewin:* " . . . Anthony Acland was there. I'm sure that everybody expected that his job was to report to the Foreign Secretary what occurred at the cabinet meetings . . ." (Panorama, *ibid.*)
Emery: "Wallace (Charles Wallace, then British Ambassador in Lima) told Panorama that it was Sunday evening before he heard anything." (Panorama, *ibid.*)	"I was in constant phone contact from about midday that Saturday until well into Sunday 2 May 1982 with both the Argentine Ambassador in Lima and the British, Charles Wallace, whom I know very well. I phoned each several times from my office to their homes, advising them of every step in our peace plan negotiations. Wallace, a conscientious man, gave me the clear impression that he was referring back to London all the time." (Arias Stella, telephone interview, January, 1984.)

FALKLAND ISLANDS (F1 54)

Supplementary Memorandum[1] by Mr A Gavshon and Mr D Rice

INTRODUCTION

1. The interest displayed by the FAC in the events of 1 and 2 May 1982 has stimulated discussion and helped to shed new light on (a) the Peruvian-American peace initiative and (b) the *Belgrano* incident. Alongside the Committee's activity and, in a sense, supplementing it various independent investigations have yielded new and material evidence and, with that, alternative perceptions. Books have been written. Memoirs have appeared. A veritable cottage industry of analyses, critiques and academic studies has built up. This is not to mention unauthorized disclosure of relevant official papers which, of course, we would not presume to discuss in this supplement to the memorandum submitted on 10 June at the invitation of the FAC.

2. Overall the researches undertaken in the UK and abroad in attempting properly to understand what actually happened testified to the importance of some of the issues involved. Among these issues are questions relating to crisis management in a nuclear age, the competing requirements of politico-military secrecy and the accountability of ministers, the high risks of personalized diplomacy and the perils of multiple mediation.

3. In this note we confine ourselves to a brief examination of certain functional factors that contributed to the failure of the Belaunde-Haig initiative for peace over the weekend of 1 and 2 May 1982. This keeps us in line with the Committee's terms of reference which focuses in part on the way "previous failures to secure such a (negotiated) settlement" can be avoided in the future.

RECAPITULATION

4. When Peru's Belaunde spoke with Haig on the evening of Saturday 1 May they agreed to launch one last try for a simplified peace package. But diplomats of the two countries had been clearing the ground for this effort since early afternoon Friday 30 April. Both Belaunde and Haig seemed to feel that a skeletal, imprecise accord, if it could be achieved, would be better than the war they were trying to head off. It was arranged that Belaunde would speak with Galtieri and, in that context, it was recognized that the introduction of a co-mediator sympathetic to Argentina would go some way toward neutralizing Washington's proclaimed support for Britain. Haig, for his part, was seeing Francis Pym early Sunday morning and in fact recalls telephoning him Saturday night —a conversation Pym has said he cannot remember. Belaunde won from Galtieri a promise that Argentina's response would be given by about noon Washington time Sunday 2 May when Pym and Haig would still be together.

5. Argentine and Peruvian ministers exchanged at least ten telephone calls during Sunday morning for purposes of clarifying and amending various points in the peace proposal. Both felt a negotiation was under way. Some of the Argentine revisions had to be referred to Haig while he was with Pym; this was taken by Buenos Aires and Lima to be an indicator that the Anglo-Saxons also were negotiating. It was a perception Pym has never confirmed. By approximately 1130 Washington time—or 3½ hours before *Belgrano* was attacked—Belaunde conveyed to Haig that the Argentines had accepted the peace proposal in principle subject to (a) one or maybe two word changes and (b) ratification by the junta not later than 2000 BA time (1900 Washington). The Argentines and Peruvians during these exchanges assumed that what Haig was telling them was being conveyed with Pym's authority; alternatively that he had been empowered to speak on behalf of the British. At the very least no evidence has yet surfaced that Pym himself passed any sort of word or view to the Peruvians for onward transmission to Buenos Aires.

6. Arias Stella, then Peruvian Foreign Minister, told us his government's negotiations with Haig had been based on the understanding that "we always took (him) to be speaking for Britain." He believed that whatever Haig accepted was all right with Pym and whatever was right for Pym had been cleared with London.

7. That Peruvian assumption appeared to have been accorded a vindication of sorts in the aftermath of the crisis. Haig in his memoir entitled *Caveat* says without qualification that Belaunde "gained acceptance in principle from both parties" for the peace proposal. His book leaves unanswered the question who formally received the

[1] See also Evidence, p.28f

plan on behalf of the UK? Nor does his book say who, on behalf of the UK, accepted it in principle. Plainly it was not Pym himself judging from his testimony; if anything the incumbent Foreign Secretary discouraged the initiative without actually rejecting it, according to his subsequent critique.

8. Only one explanation, in the absence of fresh information, seems feasible if it is to be accepted that Haig, Belaunde and the Argentines genuinely believed that the peace proposal had been accepted in principle by the UK. This explanation is put forward with all diffidence and is based on a conversation (on-the-record) which Arthur Gavshon had with General Haig in Washington on 25 July 1984. Haig said then that "the British Ambassador (Charles Wallace) was in on every bit of the negotiations in Peru. He was right in with the President." Haig, at Gavshon's request, repeated his claim on three occasions. We are, of course, well aware that Ambassador Wallace, currently serving in Montevideo, denies Haig's assertion.

9. Haig's belief that Wallace was in with Belaunde during their telephonic exchanges —and also that Wallace was advising London—may well have coloured his view of the casual reception accorded to the peace proposal by Pym. His certainty that Wallace was following the exchanges meticulously may well have given him the impression that the British were taking the initiative far more seriously than in fact they were.

Personalized Diplomacy

10. Advantages sometimes are outweighed by disadvantages when Foreign Ministers engage personally in crucial, urgent negotiations. Experienced diplomats like Ambassadors Henderson or Wallace may well have felt constrained from reporting or analyzing developments while their political superior was on the scene, in conference with Haig. They may not have been kept fully informed so limiting their scope of understanding or action. Haig recalls Henderson sat in on his talks in the State Department with Pym. If his memory is faulty a question arises: was a note-taker present? Another question arises: if Pym had reported earlier to London would this have encouraged or discouraged Henderson and Wallace to submit their own evaluations based on the after-effects of the Saturday morning bombings of Port Stanley and the naval bombardment of the islands?

11. The negative aspect of personalized ministerial involvement in negotiations without the backup of experienced diplomats has been illustrated by the conflicting recollections of Haig and Pym. Taking their public statements at face value they disagreed on whether they had had a Saturday night telephone talk; on whether the British displayed "enthusiasm" about the peace proposal as Haig claimed in his book or whether Pym was cool from the start; on Haig's assertion in the Panorama programme of 16 April that "we were down to words, single words" while Pym was insisting "there was no text discussed between us on Sunday, no actual words." These were two men in charge of their respective governments' conduct of international affairs.

12. Haig acknowledged that there were 15 errors of fact in the chapter in his book dealing with the Falklands crisis. There have been inconsistencies, too, in Pym's various public accounts although no tally has as yet been taken.

Multiple Mediation

13. Imperfections are inevitable when mediation processes are launched at short notice and the diplomacy employed during the South Atlantic crisis was no exception. The Haig intervention, modelled on Henry Kissinger's famous Middle Eastern shuttles, was foredoomed from the start not merely because Haig himself anticipated failure. There were two reasons: (a) the American team had to engage in an inter-continental travel operation which meant that by the time it took to reach Buenos Aires from London circumstances may well have changed and often did. In contrast Kissinger could move from one involved capital to another within an hour or so. (b) From the outset, judging from evidence of exchanges reproduced in our book, the Argentine leadership formed the opinion that the Reagan administration was transparently more committed to supporting Britain's position in the immediate circumstances of Argentina's invasion than it was to backing up the *junta*. An additional factor, which Argentine leaders may or may not have registered, was the fact that Haig personally was committed to keeping a shaky North Atlantic (NATO) Alliance from falling apart on the issues. Perhaps, during April, the Americans should have recognized the reality that their role was not appreciated in Buenos Aires and should have begun preparing for a broader mediating base sooner.

14. After the collapse of Haig's mission the initiative of the Peruvians was bold, positive and, given more time, could have succeeded. The effect was to allay Argentine suspicions of an Anglo-Saxon line-up. Where Haig's talks with Galtieri and his cohorts seemed to have the tone of an adversarial confrontation, Belaunde talked with the Argentine leader as a sympathizer. A beleaguered regime, victim of its own mistakes, suddenly began to feel less paranoid.

15. But the lately-introduced process of multiple mediation—plainly because it had been so hurriedly arranged—had its built-in defects. A quick look at the six-way communications problem illustrates this: a message or query from one of the protagonists, Argentina say, was conveyed to the Peruvian co-mediator. It had then to be transmitted to the second—American—co-mediator and from him to the other (British) protagonist. Then the responses had to go all back the same way.

16. The consequence of that complicated system of communication was that nuances were lost, precision became diluted, misperceptions or misunderstandings crept in, glosses were added, hidden messages remained undetected. If, for instance, it had been swiftly and clearly been made known to the British that ratification of Galtieri's acceptance of the peace proposal was a mere three or four hours away would the attack order to the *Conqueror* have been withheld a while? If it had been, and the Argentines then had failed to deliver their ratification, the sinking of the *Belgrano* would have been far less controversial.

Conclusions

17. The role of the FAC in seeking to discover why past efforts for a settlement have failed already has been vindicated. It has been the instrument for adducing relevant new information. But, for its lack of powers the objectives of the committee would be fulfilled best if the events of 1 and 2 May 1982 were to be investigated under the procedures set forth in the Tribunals of Inquiry (Evidence) Act of 1921.

18. Argentina, and the two co-mediators, were convinced a negotiation was under way on the Peruvian-American peace proposal. UK representatives were aware of the proposal but there is no firm evidence to show that they participated actively in it even though it was Haig's belief that Ambassador Charles Wallace in Lima "was in on every bit of the negotiations."

19. Personalized diplomacy, without the backup of experienced diplomats, sometimes can have grave disadvantages.

20. In any process of multiple mediation careful preparations are needed to ensure swift, full and efficient communication between all the parties.

A L Gavshon

D Rice

3 *September* 1984

Examination of witnesses

MR A GAVSHON and MR D RICE, called in and examined.

Chairman

153. We are happy to have the attendance of Mr Gavshon and Mr Rice, the co-authors of a recent book called *The Sinking of the Belgrano*. Mr Gavshon, I think that you were, until 1981, diplomatic correspondent for Europe with the Associated Press of America, living in London and working in various places around the world?

(Mr Gavshon.) That is right.

154. Mr Rice, you have been president of the Royal Dutch Shell Company in Argentina and know a lot about that?

(Mr Rice.) Indeed.

155. Thank you for coming. May I establish one or two points about the background of your book? Can you tell me what is the origin of your book on the sinking of the *Belgrano*, who took the initiative in deciding to write the book and did anybody commission you to write the book?

(Mr Gavshon.) Well, so far as I am concerned, the origin was during the autumn of 1982 when I was asked by an overseas foreign policy journal to write an article under the title "South Atlantic Reflections", looking back at the war itself, its origins and so on. In the course of doing this and researching this, I became aware of all the inconsistencies and contradictions in the official version of what actually had happened and in particular the circumstances surrounding the sinking of this cruiser. I wrote an article in those terms pointing out the inconsistencies and so on. Some months later I came into contact for the first time with Desmond Rice, who had recently visited Argentina immediately after the war and he had produced a manuscript about the war and he asked me to read it. This I did and made my comments on it and I think that at this point he ought to take up the story.

156. Mr Rice?

(Mr Rice.) I happened to be in London when the Falklands' war broke out, presenting a book which I had written. The tenor of the publicity about the war led me to feel, since I had lived and worked for six years in the Argentine, that it would be fair to write a somewhat less dramatic view, that is to try and give something of the Argentine side. I therefore went, as soon as I could, to Buenos Aires. I got there a few days after the war had ended, interviewed a number of people, got a general manuscript together, brought it back to England. I felt after talking to people like Arthur Gavshon that it was not in a shape to be fair. There were many things wrong with it as a book. I therefore went back to Argentina in, I think it was, March/April 1983, concentrating on the event of the sinking of this cruiser. I then, after spending a month in Buenos Aires, came back to Washington, spent a month there trying to talk to people involved in one way or another. I then came back and wrote the book in conjunction with Arthur Gavshon.

157. I take it you are not an Argentine citizen?

(Mr Rice.) No, I am not.

158. Did you have any difficulty in getting into Argentina at that time, speaking to those people?

(Mr Rice.) No, I did not because I have a South African passport. I am South African by nationality and I used that passport to get back in. I was not, therefore looked on as an opponent.

159. Quite a lot of your interlocutors in Buenos Aires were considered to be at considerable personal risk and led you to personal papers. Why do you suppose they did that?

(Mr Rice.) The people who did this, almost without exception, are people I had known when working in the Argentine or friends of people I knew. I think they thought I would give a fair account of the Argentine position in the entire war. I think this is why they co-operated with me.

160. I think in your efforts to see individuals in the United States and in this country, prominent individuals I mean, you were not quite so successful, is that right?

(Mr Rice.) Indeed not. I tried to see, for example, Jeane Kirkpatrick for some while and see Haig. I was unsuccessful in both ventures. I then tried and passed the word back to Arthur whose contacts are by nature much better with both American and British politicians and indeed it was

[Chairman *Contd.*]

he who made most of the contacts with them.

161. Did you ask to see Ambassador Wallace?

(Mr Rice.) Yes.

162. Did you see him?

(Mr Gavshon.) We made an approach when Ambassador Wallace was visiting this country, I think it was during 1983. We knew of his presence here through the Peruvian Ambassador who was seeing him the very day we were seeing the Peruvian Ambassador and passed the message to the envoy to Ambassador Wallace. The reply that came back was to the effect that Mr Wallace did not wish to see any journalists at that time. We have, nonetheless, followed Mr Wallace's statements to various people on the subject and I think we have taken good account of it in the book and in the memorandum we presented.

163. In your first memorandum you said that the: "... authorities in Washington, Lima and Buenos Aires have at no time seriously questioned the proposition that the sinking of the *Belgrano* gravely jeopardised, if it did not actually destroy, prospects for the success of Peru's attempt to arrange a negotiated peace". May I ask what evidence you have to demonstrate that if the *Belgrano* had not been sunk, the peace terms floated by President Belaunde would have been acceptable to both Argentina and the United Kingdom?

(Mr Gavshon.) No, I think what we have said is that given more time, the principles set out in the Belaunde-Haig initiative would have stood a better chance of acceptance than any other proposition that had been put forward during the Haig period of mediation. I think that if these principles had been examined in an unpressurised situation, this would have been true because I would point out that a great deal of work had been done during the mediation period on such issues as the modalities of an agreement. For instance, there was agreement between the two sides about the phases of a withdrawal operation—mutual withdrawal operation—and how the peace process would proceed. These are apparent in the various conversations and various proposals put forward by the two sides. The Argentine proposal of 19 April and the American proposed memorandum of agreement of 27 April have considerable common denominators.

164. Neither of these, of course, were what has been popularly called the Peruvian peace proposals, were they?

(Mr Gavshon.) No, but the Peruvian peace proposals extracted principles from previous submissions and they were encapsulated in seven points. The whole purpose of the Haig-Belaunde discussion was to try to simplify things, to leave the complexities out of consideration for the immediate future, so that, first of all, a ceasefire could be arranged and secondly, the two sides could sit around a table with other persons and begin the process of getting closer together. It was arranged incidentally for a meeting to be held on Monday morning, 3 May. Belaunde was all set to convene such a meeting in Washington.

165. You will agree that negotiations, therefore, did go on after the sinking of the *Belgrano*? According to your book Galtieri told President Belaunde on 2 May that "... the Argentine Government will not ... accept any negotiations relating to peace in the South Atlantic in these circumstances ...". It is a fact that negotiations continued for some days after?

(Mr Gavshon.) They did continue in a desultory way but the opportunity was missed during the weekend of 1 and 2 May. The negotiations had been taken over by the United Nations. The Peruvians pulled out of the situation and the influence of the Americans, in favour of the British, and the Peruvians who were sympathetic to the Argentine side, was withdrawn.

166. What happened after 2 May was that the Argentines rejected the British counter-proposals and also accepted the United Nations' Secretary-General's mission of good offices?

(Mr Gavshon.) Yes.

Mr Mikardo

167. To refer to an earlier question of yours, Chairman, could I ask Mr Gavshon or Mr Rice, this, if there were something which: "... gravely jeopardised, if it did not actually destroy, prospects for the success of Peru's attempt to arrange a negotiated peace ...", is not the culpability of that something in effect of whether or not it was likely that the attempt would lead to an acceptance by both parties?

(Mr Rice.) I think one can say one thing about the sinking of the *Belgrano* at that time, and perhaps it is not so much on the moral plane, I think on the plane of pure

[Mr Mikardo *Contd.*]

expediency or in practice, the sinking of that ship at that point with the loss of the 368 on it—who died because of it—I think put the whole question of peace or of peace negotiations in jeopardy because it had, for the first time, provided an immense impact on Argentina's pride. Let us remember, before that date, not one single British life had been lost. I think once the 368 sailors aboard the cruiser were killed, I think this put the Argentines in a position where peace negotiations were no longer apt. This was now going to have to be a bloody war and indeed was, it turned out.

Mr Thomas

168. The Argentines had, in fact, of course, attacked the Task Force by air?
(Mr Rice.) Indeed.

169. Before the sinking of the *Belgrano*?
(Mr Rice.) Indeed. Saturday 1 May about, if I remember rightly, by local time, 11 o'clock, not on Sunday 2 May. I think one has to recall there, that the people who delivered the first blow were the British at 4.23 that morning when the Vulcan Bomber dropped her 21 × 1,000 pound bombs across the air strip and was followed by Sea Harrier raids from 4.40 that morning on through the day: ie to say, as has been suggested, that the Argentines were the first to strike blows on Saturday 1 May is simply incorrect. It was Britain who delivered her bombs at 4.23 am on Saturday 1 May, who started off the Argentine attack.

170. From the information which was given to you in the Argentine, what was the purpose according to best information you have, of the *25 de Mayo*, the aircraft carrier, being stationed north of the Falklands, north of the Task Force, around 30 April?
(Mr Rice.) I think, without doubt, it was indeed put there in a position to strike, if possible, against the British Task Force; doubtless. The reasoning of the Argentine High Command was so far as I have been able to make out that on their own, with their I think it was nine surface ships they had at sea at that time, against the British 40 or 50 ships, it would have been pointless and senseless to try a head-on attack. They were waiting for the British to try a landing and then to attack at that moment because they believed if the British were completely engaged in a landing and getting men ashore, they would be at their most vulnerable to an Argentine attack. So, the purpose of the stationing of the *25 de Mayo* in the north was to be in a position once the British started to land, they could come in and attack.

Chairman

171. When you say the first blow, you are not including the invasion?
(Mr Rice.) Absolutely correct. The first blow which drew blood and one should, in fairness, remember that the first blow of the British on Saturday 1 May caused 56 Argentine casualities, killed and wounded, so it was quite a weighty blow.

Mr Mikardo

172. Was that attack on the runway done with runway destroying bombs?
(Mr Rice.) Yes.

173. Or with bombs which had personnel destroying capability?
(Mr Rice.) It is an excellent point. I understand that the Vulcan dropped a runway destroying bomb but when the Sea Harriers came in they came in with the so-called cluster bomb which is an anti-personnel bomb.
(Mr Gavshon.) I would like to intervene, merely to emphasise that at no stage in our book did we take the position of excusing the Junta for what they did. At no stage in the book did we take the position which we attempted to excuse the action of the Junta in invading the Island. On all points we take the view that the Junta was not a desirable regime and in fact this view has been endorsed by the Argentine people.

Mr Spearing

174. Can I take you back in time a few hours to the events in the United States on, I think, 30 April. You mentioned in your book on page 72 that Senate Resolution 382 resolved that the United States could not stand neutral and had tremendous moral force and then you went on to, I think, a subsequent broadcast on television 11.30 am Washington time by Secretary of State Haig who said that "In the light of Argentina's failure to accept a compromise, we must take concrete steps to underscore that the United States cannot and will not condone the use of unlawful force to solve disputes." Then it went on to say: "The US would apply military and economic sanctions against Argentina and offer material support to the British." Can you tell us anything of the impact of that? Was it known in Argentina? We know

[Mr Spearing *Contd.*]

something later on of the impact on some of the military. What was the impact in your view of both these statements from the Senate Resolution and Secretary of State Haig?
(Mr Rice.) I think it was one of utter confirmation in the Argentine's view, particularly the more passionate of them like Costa Mendez, the Foreign Minister. This was confirming something they tended to suspect. I speak in the book of extreme Argentines who thought from the start the Haig mission had been a charade, that from the start Haig was really completely on Britain's side.

Mr Wells

175. You maintain that the sinking of the *Belgrano* in fact ended serious negotiations, but my understanding is that negotiations on the Peruvian proposals went on the following week when they were known in detail in London and did end up with substantial acceptance as witnessed by the Foreign Secretary's speech to the House of Commons on 7 May.
(Mr Rice.) Yes.

176. Do you mean to imply, therefore, that the Argentines thereafter were not negotiating in good faith?
(Mr Gavshon.) No. I think the situation really is, first of all, that the Argentines did not accept the 7 May proposal.

177. Did not accept.
(Mr Gavshon.) The 7 May proposal, the amended version of the Belaunde-Haig initiative, they did not accept it. One reason why they did not accept it is that its content had changed, it had become stiffer. In British terms it had become stiffer. In fact, I do not believe, subsequent to the book, our investigations continued, I do not believe that the negotiation over the weekend of 1 and 2 May really mattered that much because I think on the basis of evidence we have had that the British War Cabinet made up its mind a week earlier that there was no possibility of a compromise and that the only thing that was open to Britain was to go for an all out military solution. We base this on a long interview we had with Admiral Lord Lewin after the publication of the book and in it he said quite specifically, his own view was by 23 April there was no hope of a negotiated settlement which would keep both Governments in power and by 25 April this was the feeling in the War Cabinet as a whole. It was certainly the feeling among the military. There was no way in which any negotiation was going to succeed. This was one man's view which emerged after the publication of the book and I think it has been reported in an article published in the *Guardian* on 2 October which we have copies.

178. Was your contention, therefore, twofold, first of all that the peace proposals agreed between Peru and Buenos Aires had to be accepted by the British as they stood or not, that was the proposal?
(Mr Gavshon.) Yes.

179. Secondly you are accusing the British Government of not negotiating in good faith from seven days before 2 May and, of course, therefore, thereafter Mr Pym was in Washington simply as a smoke screen? Is that your accusation?
(Mr Gavshon.) No. First of all, what I said is this is my information based on what I have been told and what has been said by Admiral Lord Lewin. This is his view as well. I think I ought to emphasise basically I am only a reporter—a journalist.

Chairman

180. Mr Gavshon, you say that the Argentines turned down the Peruvian proposals on 7 May but on 2 May there was no agreement about the proposal even then, was there?
(Mr Gavshon.) No final agreement, no. There were two points, probably one point that needed to be resolved and that was the distinction between whether the wishes or aspirations of the Islanders were to be taken into account in any final settlement.

181. I think there was possibly another point as well as to who was to be the power but agreeing with the wishes or aspirations, you said that was a final point as if it was a trivial point. Do you think it is a trivial point?
(Mr Gavshon.) No, I think it is a key point.

Mr Thomas

182. What do you mean by saying those are the only things that needed to be resolved, by whom?
(Mr Gavshon.) Well, indirectly through the Americans and Peruvians by the British and Argentine Governments.

[Mr Thomas *Contd.*]

183. Who would be resolving it in the Argentine?

(Mr Gavshon.) Well, the Junta presumably; they were still in office.

Mr Mikardo

184. Mr Gavshon, when you spoke to Lord Lewin and he told you that the British Government had decided by 23 April that there was no prospect of diplomatic settlement, was he conscious of the seriousness of what he was saying? Did he realise what he was saying was in direct contrast, in direct conflict with what was then the stated policy of Her Majesty's Government, namely the use of minimum force necessary to secure a diplomatic agreement? Was he flatly saying that he knew facts which indicated that that stated policy was not the real policy?

(Mr Gavshon.) Well, first of all, I would say that Admiral Lord Lewin is, of course, a serious man. Secondly, I am sure he knew what he was talking about because he was a member of the War Cabinet and thirdly I would like to correct the one point that he did not report that a decision had been taken by the War Cabinet; he reported a feeling in the War Cabinet and that was the phrase used.

(Mr Rice.) He said two things, he said "I personally by 23/24 April was already convinced that there was no future to a negotiated settlement." Then a little later he said: "I am sure that by 25/26 April the War Cabinet and the military", his exact words were "thought that a negotiated settlement was not on."

Mr Thomas

185. Was that because of the intransigence of the Argentines?

(Mr Rice.) Yes, he gave that as his reason.

Mr Harvey

186. You said there was agreement on all but a couple of points, what form did this take, verbal agreement? What evidence do you have?

(Mr Rice.) There were some pieces of paper flung about, two indeed. One of the schemes of the Peruvians was that they sent a first seven point token proposal at midday on Saturday 1 May, Peruvian time, which is five hours earlier than ours here in London. They said they sent the first seven broad proposals which were anterior prior to the one finally discussed between Belaunde-Haig. They sent that proposal to both Mr Charles Wallace, British Ambassador in Lima and Sanchez Moreno the Argentine Ambassador in Lima. I have had, by telephonic interview with Sanchez Moreno his confirmation that he received a piece of paper with the seven points of the peace proposal at his house or embassy at midday Saturday 1 May; sent round to him from the Torre Tagle—which is the name of the building in which the Peruvian Foreign Ministry is housed.

187. Did the Argentine Government as a whole agree to all but one point?

(Mr Rice.) No, there were two, but neither of them were—at least so it seemed to us—the kind of things which would keep people at war. They were not big enough. One was the composition of the control group which was initially suggested by Haig-Belaunde as being Brazil, Western Germany, Peru and the United States. The Argentines refused the US in the group because they thought, as I have said earlier, that Haig was partial to the British point of view right through. There is a conversation on record, a telephonic one, between Haig and Belaunde where Belaunde said: "Look, I am sorry but the Argentines will not accept the Americans as part of the control group." Haig said: "In that case I am sure the British will insist on Peru standing down for someone else because you are obviously friends of the Argentines." Belaunde said: "Fine, that is okay with me, I do not mind" and Haig is reported as saying: "I do not mind that either, in fact it would be a pleasure to get this lifted off my shoulders." That is point one. It does not seem this was enough to keep people at war. Point two was the British insistence on the position that the wishes of the Islanders must be taken into full account in any settlement. The Argentine position on that was: "Look—if you really mean that, they have an all out veto on anything because they may say: 'Look we wish something or other because we do not like the colour of your eyes'." The Argentine position was we must take due account of the interests of the Islanders, of course. Let me read out one quote again—it may be a suspect one because it is from Costa Mendez—this is when Costa Mendez claimed his talks with Belaunde on Sunday 2 May when the position was given that the Argentines had accepted short of the Junta's ratification.

188. This was agreement by the Argentine Government as a whole because I think you are well aware consistently previous talks were—

[Mr Harvey *Contd.*]

(Mr Rice.) This was Galtieri coming back. The Costa Mendez meeting started off with Costa Mendez saying: "This is a good agreement, we must accept it."

Mr Thomas

189. Which page?

(Mr Rice.) This is page 94, two thirds of the way down. This is a telephonic interview between me and Costa Mendez in which he said he ended up—Costa Mendez, I should clarify, had been delegated by Galtieri from early that morning on Sunday 2 May to carry out the negotiations with Belaunde. Galtieri kept an overall view on it. It says Costa Mendez's talks ended up about midday Argentine time—which is, what, 4 pm British time—on Sunday 2 May with the words Belaunde said: "With the sole exception of this word 'wishes', which the UK has just insisted on, the rest is acceptable? Costa Mendez: Correct." So, I think one can build a case that the thing was pretty near to being accepted. One additional thing is that another very strong support for claiming that the Argentines were ready to accept peace was when that morning ended and early that afternoon the so-called Working Committee—which was composed of the three top men in the three armed services—had been right through the proposal and gone to Galtieri and said: "Accept, this is a good deal." There had never been a recorded case of the Working Committee's recommendation on any key point not being accepted.

190. I wonder if I could just ask you about one matter which is in your book on page 96, where it is written: "What strains belief is that the Foreign Office should have failed to keep itself fully informed about the progress of the Haig-Belaunde peace initiative before London gave the order to sink the *Belgrano.*" I wonder if you would agree with me that according to your book the times that you set out in your book must make that particular statement wrong. Let me just ask you to look, first of all, at page 82 of your book?

(Mr Gavshon.) 82?

191. On page 82 you have given an account which presumably was given to you, Mr Rice, by President Belaunde, is that right?

(Mr Rice.) No, I think this is a quote. This is from the bottom of the page?

192. On page 82 Belaunde gave the following account of the events leading up to his call to Galtieri?

(Mr Rice.) Yes.

193. What you have here is the account which the President himself gives?

(Mr Rice.) Yes.

194. Of what he calls the Peruvian peace initiative?

(Mr Rice.) Yes.

195. What he said was he was very worried about the situation, page 82?

(Mr Rice.) Yes.

196. Very worried about the situation and then he decided himself on Saturday night, 1 May, to call his Ambassador in Washington and then, having done that, and having had a discussion with him, the Ambassador said he would talk to someone and later Haig rang up. This is on Saturday 1 May.

(Mr Rice.) Absolutely correct.

197. And Haig rang up and they had a long talk where he asked Haig whether he could give certain views of his as to what Britain might accept and conversations such as that and so eventually after their long talk on 1 May, the seven headings were set out, is that right?

(Mr Rice.) Correct.

198. So having done that Belaunde said he would get in touch with Galtieri?

(Mr Rice.) Correct.

199. Now, Galtieri was rung up at 1.30 am?

(Mr Rice.) Argentine—

200. Argentine time?

(Mr Rice.) Correct; 11.30 Peruvian time.

201. So Galtieri knew nothing at all about this at 1.30?

(Mr Rice.) He knew nothing about the specific—

202. He knew nothing about the specific Peruvian proposals until 1.30?

(Mr Rice.) Correct.

203. 1.30 am on 2 May.

(Mr Rice.) Right.

204. Which would be 5.30 am?

(Mr Rice.) In London.

[Mr Thomas *Contd.*]

205. At 5.30 am on the day the *Belgrano* was sunk nothing was known in London about any Peruvian peace proposals, in fact nothing was known in Argentina, that is right, is it not?
(Mr Rice.) Yes.

206. So the next—according to your book—thing is that having discussed the matter with Mr Belaunde, General Galtieri, he said that he saw certain difficulties?
(Mr Rice.) Yes.

207. One thing being that he did not think that the Americans should be part of the scheme; secondly the question of wishes or aspirations and therefore certainly no agreement had been reached and he said it would be 10 o'clock in the morning or he would ring, Belaunde rang Galtieri at 10 o'clock the next morning?
(Mr Rice.) Yes he rang at 8 o'clock Lima time, 10 o'clock Argentine time.

208. Belaude telephoned Galtieri at 10 o'clock Argentine time which, of course would be—
(Mr Rice.) 2 o'clock.

209. 2 o'clock British time and was told by Galtieri that the matter had now been handed over to Costa Mendez.
(Mr Rice.) Yes.

210. So at 2 o'clock on 2 May the matter had not been in any way resolved, do you agree?
(Mr Rice.) I think—

211. Nothing had happened?
(Mr Rice.) I think one must qualify that by—

212. Do you know that the decision to sink the *Belgrano* was made by the War Cabinet at 1 o'clock on Sunday?
(Mr Rice.) And transmitted—

213. And therefore the decision to sink the *Belgrano* was made before there was any possible resolution or agreement or any progress made on the Peruvian peace proposals?
(Mr Rice.) I think there are three answers to that, well anyway two. The first is, as I said, this was not the first time seven peace points had been thrown at the Argentine and British Embassies.

214. Which had been turned down?
(Mr Rice.) No, no, no. These were the set urgently sent to Wallace by the Torre Tagle, Peruvian Foreign Office in Lima, and Sanchez Moreno, the Argentine Ambassador in Lima, at midday on Saturday 1 May or, if you like, 6 pm British standard time on Saturday. That was already there. It is not the case that this set, the Haig-Belaunde set, was the first time a peace formula was going on. The second argument is that of Manuel Ulloa, the Peruvian Prime Minister, who was closely involved with the Foreign Minister in peace negotiations, he is on record as stating early on Saturday 1 May, he spoke straight to Haig and said: "Look things are so near to a peace deal of one form or another, do everything you can to obtain some kind of truce with the English of 24 hours, preferably 48 hours. Let us make sure there are no battles/aggression during this time." Isolating this completely to that hour of the agreement by the Argentines to the Haig-Belaunde proposal is leaving out of account all the preliminary moves for peace which had been going since Haig made his statement.

215. This is something very different which you are introducing now. What I am suggesting is that in your book, from the facts contained in your book and the transcripts which you had of conversations beween Belaunde and Haig and Galtieri—
(Mr Rice.) And Costa Mendez, yes.

216. It is quite clear that no progress had been made on the Peruvian peace proposals at the time of the decision taken by the War Cabinet to attack the *Belgrano*?
(Mr Gavshon.) I think it is important to remember that the actual action to launch this late initiative began on Friday 30 April shortly after lunch when Foreign Minister, Arias Stella, made contact with US Ambassador in Lima, Frank Ortiz and that was when the process started and the American Task force, looking after the Falklands' problem at that time in the State Department, was immediately alerted. And although the first conversation between Belaunde and Haig only took place the Saturday night, 1 May, in fact there were a good deal of exchanges taking place on an official level between Lima and Washington. Why we say on page 96: "What strains belief is that the Foreign Office should have . . ." been unaware of all this is that British diplomats in Washington have always been in close touch with their State Department opposite numbers and I find it hard to believe that they would not have known of this new development that

[Mr Thomas *Contd.*]

the Peruvians and the Americans were in touch about a new and late last ditch attempt to head off war. In fact, I meant our information today is that the Foreign Office certainly was aware of most of the things that transpired in Lima and Washington that weekend and sooner or later this will emerge.

Mr Lester

217. Is not the question to what extent that proposal is serious and possibly the Secretary of State made it clear from his independent investigation that the decision to sink the *Belgrano* was a military decision based on military intelligence and there was no knowledge of the Peruvian peace proposals. I think it is fair to accept that. All the comments you are suggesting were going on in the background in South America should have crystallised when Mr Haig met Mr Pym; both met, thereafter their perceptions of what took place differ widely. Haig claimed they were down to words and specifically in two paragraphs of the six points. Mr Pym told us that the proposals were not differing to an extent which you could discuss in detail because there were certain things not acceptable in them and they were in any way firmed up and Haig said much more work had been done on them. Have you reached any conclusion as to why Haig and Pym reached a significant conclusion, bearing in mind we have had evidence from Sir Nicolas Henderson?
(Mr Gavshon.) All these contradictions and differing perceptions to what happened especially between two men in charge of the foreign policies of their respective governments, all these things taken together in our view strengthens the case for a real judicial inquiry into the affair because there are many other questions that have been left unanswered and many other issues on which contradictory statements have been made. About the only thing, as you said, that Haig and Pym agreed about is that they met, not much else. They did not agree about whether Haig telephoned Pym on the Saturday night. They did not agree whether they discussed the content and the real content of the seven point proposal. When Mr Pym made his initial public statement in a newspaper on the reason for his going to Washington, he said it was not for the purpose of a last ditch attempt to patch up peace but to examine the situation that followed the American decision to support the British Government, in other words logistic support.

218. The Peruvian proposals listed on page 84 of your book—seven simple sentences—contain little detail of the implementation, time of implementing and do you know whether a further and more detailed agreement had been drafted by the morning of 2 May for their discussion?
(Mr Gavshon.) No further agreement existed. These were the seven points to provide a platform for more detailed discussion which Belaunde envisaged would begin the very next day. I come back to what was said previously: a good deal of work had been done during the month of April on a number of key questions like the process of withdrawal, like the fact that the two military forces should go back to certain positions and these were agreed. There were other aspects agreed as well and these are available in the appendices we included.

219. If one could take you up on the appendix, if you took the seven points with the detailed proposals set out by Argentina on 19 April and in the Haig memorandum of 27 April 1982, produced again on pages 186 to 194—is it not possible to understand why Mr Pym should have regarded the Peruvian proposals, seven points, as general outlines?
(Mr Gavshon.) Yes, it is certainly possible to agree with Mr Pym on that but at the same time Mr Pym did say they provided a basis for agreement.

220. He continued to draft his own proposals?
(Mr Gavshon.) Yes.

221. The other critical thing is the question of ceasefire. After launching the discussion with Mr Haig and others, are you convinced Mr Haig made it clear to Mr Pym that the Peruvian proposals were intended to lead to an early ceasefire?
(Mr Gavshon.) You know, I do not think Mr Haig needed to draw a picture for Mr Pym. This is the first item in the peace proposal, immediate ceasefire, everyone knows what that means.
(Mr Rice.) If I might interrupt, there is one other point too, that is certainly Haig thought that this was a serious proposal, after all, why, otherwise, would he have bothered after he spent two hours and lunch with Francis Pym and Nicholas Henderson, why should he otherwise ring Pym

[Mr Lester *Contd.*]

again after lunch and re-stress what he saw as the great matter of the Belaunde proposal unless he thought it was a vital thing?

222. One explanation is the fact he realised he had not given Mr Pym his right impression about the seriousness of the Peruvian proposals. When we see what Mr Pym said about what they discussed which was very much more—

(Mr Rice.) What triggered that was a further message from Belaunde saying: "Great, the thing is going well."

223. But by then the decision had been made?

(Mr Gavshon.) In fact, Mr Pym did not take the telephone call.

Chairman

224. To clear up: I may have misheard, did you say the British Government had agreed the Task Force should go back to some agreed area at one time?

(Mr Gavshon.) No, I did not say that. I said that there were arrangements set forth in, for instance, the Haig memorandum of agreement put forward on 27 April which agreed with what the Argentines had put forward earlier.

225. You do not say the British Government ever agreed with that?

(Mr Gavshon.) No, but we do know from Mr Haig, the British Government undertook to look at his memorandum of agreement very, very seriously and sympathetically.

Mr Canavan

226. In reply to the point raised earlier by Mr Thomas you said that all your information indicates that the British Government was, in fact, fully informed about the progress of the Peruvian peace initiative, would you care to elaborate on your information and sources of information which lead to that conclusion?

(Mr Gavshon.) Well, no, as I am sure you appreciate that as any politician would appreciate, if you talk to people on lobby terms, you do not expect the person listening to you to disclose the source. Indeed, in general terms, I can say that my information—our information—is authoritative and the Foreign Office were aware of what was going on during that weekend on a diplomatic level.

227. Could you say then what, according to your information, was the main source which the Foreign Office had?

(Mr Gavshon.) Yes, that there were exchanges for this peace proposal, on this peace proposal and the impression that has been given by the foreign office is that the first they knew of this was roughly three hours after the *Belgrano* had been sunk. The first word of the peace initiative reached London about 2215 GMT Sunday night, in other words, the impression they have given is that they did not know what was going on. The importance, the significance, of this is that if they had known that—if it seemed to them that a promising peace initiative was underway, would they still have continued with the fulfilment of the decision to sink the *Belgrano*. That is the question that needs to be addressed.

228. According to your information was the British Government kept fully informed as a result of communications from Lima or Washington?

(Mr Gavshon.) I am aware that Ambassador Wallace has said that he reported only at 6 o'clock Lima time about the peace proposal. I am also aware that Mr Haig has said that he believes Ambassador Wallace was in President Belaunde's office while he—Haig—was negotiating with Belaunde on the terms of the peace proposal.

Mr Mikardo

229. Mr Rice said a little while ago he told us about a proposal or at least requested that everybody should hold off anything for at least 24 hours preferably 48, that might prejudice discussions going on. Can he tell us when was this request or proposal made, by whom to whom?

(Mr Rice.) Fine. It was made by Manuel Ulloa, who was, at that time, Prime Minister of Peru, closely involved with Belaunde and Arias Stella, the Foreign Minister, in negotiations and made by telephone to Haig in Washington. Haig appeared receptive but said: "I will do what I can but it is a difficult Government over there."

230. That was on—

(Mr Rice.) Sunday morning.

Mr Lester

231. This was before the lunch?

(Mr Rice.) Yes, it is in the book.

Mr Mikardo

232. Could I ask you whether you know that it is a fact that has been said that Arias

[Mr Mikardo *Contd.*]

Stella has said that there is a document in Lima which proves that Mr Wallace was in on the negotiations, is that true or not?

(Mr Rice.) There is supposed to be a document around which were one able to get it would prove this.

(Mr Gavshon.) So we were told.

(Mr Rice.) By Arias Stella himself but we have been unable to get any confirmation of this from Lima.

(Mr Gavshon.) We have not been able to see the document.

(Mr Rice.) We should have gone there to get it.

Mr Spearing

233. Earlier in answer to Mr Jim Lester's question about, let us call them, the seven Lima headings, he talked about the proposals being worked out over the succeeding week, irrespective of the sinking of the cruiser?

(Mr Gavshon.) Yes.

234. And Mr Pym referred to them in his statement to the House of Commons on 7 May, final report, columns 395 and 396 and on a casual reading they appear to be similar with two marked additions, Mr Pym appears to be saying that "the Argentines have so far insisted that a transfer of sovereignty to them should be a precondition of negotiations on a final settlement." Further on, in addition to this, the Argentines seem now to be obstructing progress in another but equally fundamental way, they appear to be asking for a ceasefire without any clear link with the withdrawal of their invasion force. So, it appears to be the Lima proposals place two very important changes. Now, there may have been changes subsequent to the event of the *Belgrano*. Have you any knowledge whether what Mr Pym says deals with any evidence or documents you have received on any attitude of the Argentine Government subsequent to the Lima proposal but prior to the announcement of the version of that of Mr Pym on 7 May?

(Mr Gavshon.) Yes, we are aware that the re-introduction of the question of sovereignty proved to be unacceptable to the Argentines. In fact, the original seven principles or headings carefully left out any mention of that concept of sovereignty and it left out one or two other controversial things, for instance the proposal overall referred only to the Falkland Islands and not South Georgia and the South Sandwich or the dependencies. The other thing that was important in the 2 May proposal was that the administration of the Islands was not to be restored to Britain, was not to be shared with Argentina but was to be transferred almost completely to the four power watchdog group, the supervisory commission. The most important retreat by both sides from the 2 May position, to the extent that the British had accepted it or allegedly accepted it, was the re-introduction of the words "sovereignty" and "issue of sovereignty".

235. Can I get this absolutely clear, the re-introduction of sovereignty you would agree with Mr Pym came from the Argentine side, is that correct?

(Mr Gavshon.) Yes.

236. After the sinking of the *Belgrano*?

(Mr Gavshon.) One second, let me correct that, no it came from the British side.

237. You therefore disagree with Mr Pym's account because he is suggesting, in his words, that it came from the Argentine side?

(Mr Gavshon.) Well, it could have come from both but I think it came from the British side.

238. What about the other point: the withdrawal of forces?

(Mr Gavshon.) Would you repeat that question?

239. I will repeat what Mr Pym said, he said: "In addition to this the Argentines seem now to be obstructing progress in another but equally fundamental way, they appear to be making for a ceasefire without any clear link with the withdrawal of the invasion force".

(Mr Gavshon.) Well, no, I do not know about that, if Mr Pym has said that I accept what he said.

Mr Harvey

240. Could you clarify the position with regard to Ambassador Wallace? Your book recounts claims by Peruvian officials that there was constant telephone contact between the Peruvian officials and the British Ambassador Mr Wallace and that Mr Wallace was keeping London in touch with President Belaunde's progress from hour to hour. The evidence we have so far received from the Foreign and Commonwealth Office, flatly contradicts this. Have your

[Mr Harvey *Contd.*]

private researches from British sources been able to confirm whether there is any truth in the Peruvian terms?

(Mr Rice.) No, the short answer is no.

241. There are no British—

(Mr Rice.) We have only the two statements, both from Arias Stella, the then Foreign Minister, one of which is on page 96 of the book, the last but two paragraph where it says: "Arias Stella insists that he was in constant telephone contact 'from about midday that Saturday' until well into Sunday 2 May 1982 both with the Argentine Ambassador in Lima and with the British Ambassador, Charles Wallace, whom he knew well. He spoke 'several times' from his office to their homes—'since embassies don't usually work at weekends'. Wallace, a conscientious man, gave Arias Stella the clear impression that he was referring back to London all the time 'that's what ambassadors have to do at such times, isn't it?'." That is one. Two is the confirmation from the second man, not named, the Argentine Ambassador in Lima, who I talked to about ten days ago by 'phone who said: "Yes, indeed, on Saturday 1 May at midday, I was contacted by Arias Stella who told me he would be sending round a set of seven points for a peace proposal" but you are quite right from the British side we had no firm—

Mr Thomas

242. What was he discussing at midday on Saturday?

(Mr Rice.) Who?

243. When you say that Stella said he was in constant telephone contact from about say midday on Saturday—

(Mr Rice.) Yes.

244. Both with the Argentine Ambassador in Lima and British Ambassador Charles Wallace, what was he in contact about because Belaunde did not get in touch with General Haig until that Saturday night?

(Mr Rice.) He was in touch with Frank Ortiz, the US Ambassador in Lima, working out a proposal. The Belaunde-Haig peace proposal was not the first.

(Mr Gavshon.) Mr Thomas, if I may clarify that point: Belaunde came into the picture only when things had been prepared for him and he was then ready to talk to President Reagan. But President Reagan was out of town. That was why Mr Haig came into the situation but preliminary exchanges took place in preparation for the initiative.

245. Does that mean you cannot accept what Belaunde says on page 82? What he says is after worrying about it on Saturday night he called the Ambassador in Washington?

(Mr Rice.) Yes.

246. That was the first thing that happened?

(Mr Gavshon.) No, it was not the first thing that happened.

Mr Harvey

247. You second memorandum quotes Mr Haig as claiming Mr Wallace was in on every bit of the negotiations in Peru, he was right in with the President on a couple of occasions. What did you take Mr Haig to mean by this? Did he actually say or imply that Mr Wallace was physically present with Mr Belaunde or did he mean in the general sense that Mr Wallace was in regular contact with Mr Belaunde? What, if any, was Mr Haig's evidence for these claims?

(Mr Gavshon.) Well, my understanding of what General Haig said was definitely that Ambassador Wallace was in the Presidential Office and I would think that this Committee would probably agree if they could listen to the tape, because our interview was recorded and I have the tape with me but if that is impossible I would be glad to read that section of the transcript and you could then confirm your own judgment about this.

Chairman

248. How long is it?

(Mr Gavshon.) Very, very short, take a minute.

249. All right.

(Mr Gavshon.) This is Haig speaking: "It is irrelevant . . ." and the subject is what Mr Pym knew or was told by him. Haig: "It is irrelevant about what Pym knew because the British Ambassador was in on every bit of the negotiations with Peru. He was right in with the President." Then I asked him, I was surprised, of course: "The British Ambassador in Lima?" Haig: "Of course, of course." He was in the room? Well, he, the President . . ." That is Belaunde, this is Haig speaking: "Well, he, the President, constantly made reference to him, the

[Chairman *Contd.*]

President did to me on the telephone" I asked him: "You are saying that Charles Wallace was in the room?" Haig answered: "On a couple of occasions he was there." I then asked him: "Now, so far as you know, was Mr Wallace reporting to London?" Haig answered: "That would be my assumption. I did not ask him, it was not my role to ask him."

Mr Harvey

250. Have you had any confirmation of Mr Haig's claims from Peruvian sources, from President Belaunde?

(Mr Gavshon.) No, we have tried to establish this. The office of President Belaunde would make no comment. We are aware that Mr Wallace has disputed this version and I would only like to repeat that we are reporters.

Chairman

251. Mr Gavshon, to get it right, when you were interviewing General Haig he was saying that President Belaunde was on the telephone to him and said, "Charles is right here"?

(Mr Gavshon.) That is the implication.

252. But he did not actually see Mr Wallace there; he was not there at the same time?

(Mr Gavshon.) No.

Mr Canavan

253. The main thrust of the argument in the book seems to me to be that Argentina was absolutely shocked by the sinking of the *Belgrano* because they thought it was a tacit understanding between the two sides, presumably, that they would try to avoid any further aggressive acts whilst there was still a chance of a negotiated settlement. Also, they did not believe that Argentine ships would be attacked outside the total exclusion zone. Apart from the transcript of the conversation between Belaunde and Galtieri on the evening of 2 May, what other evidence do you have to support the contention that Argentina thought there was a tacit understanding that there would be no aggressive acts?

(Mr Rice.) We have the statement of Manuel Ulloa I have read out in which he says he rang Haig whilst Haig was with Pym, or had Pym in his office, on Sunday 2 May and said, "Please get a truce, or ensure there is a truce for 24 hours or 48 hours." The second piece of evidence is something in Belaunde's second conversation with Galtieri by phone (page 119): "Belaunde: I understand you very well, Mr President"—this was when the two were talking after the *Belgrano* had been sunk—"I understand that it was practically a tacit understanding that while there was any possibility of a negotiation, those people", meaning the British, "would refrain from any warlike act, no? That is something elementary, as I've said to Secretary Haig." May I go back and clarify something I half-said to Mr Peter Thomas and support what I said about the Haig—Belaunde peace proposal being by no means the first one that the Peruvians were working on. In the last paragraph on page 88, where Belaunde having put his position to Galtieri is summing up, we see: "Look now, this proposal", ie the Haig-Belaunde proposal, "is more recent than the one we've been working on during the day", the one he was working on with Frank Ortiz, "the other was more elaborate, but we thought that unless we got to a really simple formula the Pym mission could fail, and for this reason this replaces the one we were working on till midday today—until this afternoon even we were talking to the US Embassy."

254. It was revealed in a Panorama programme in April of this year that on 1 May the Argentines had sought to launch an Exocet attack on a British ship. Did you know that at the time you wrote your book?

(Mr Rice.) Yes, I think we did, but I am not too sure if it was actually on 1 May.

(Mr Gavshon.) Our information is that the attempted Exocet attack was intended for 2 May, not 1 May, and this is supported by the book by Messrs Walter and Price entitled *Air War South Atlantic*. They quote both Argentinian and British officials as saying it was a 2 May operation, not a 1 May operation.

255. Do you think this has any bearing on the argument that Argentina thought there was a tacit understanding that there would be no further aggressive acts?

(Mr Gavshon.) I would think it would run counter to the idea of a tacit understanding, although I would say that on 2 May there had been no Argentine air attacks on the British Task Force, aside from what this particular report implies. As you know, we do not mention this in the book.

(Mr Rice.) The story I heard after writing the book was that whatever day it happened it was ten or eleven in the morning

[Mr Canavan *Contd.*]

local time, so if it was on 1 May you could say it was a response to the attacks which the British had started launching at 4.23 that morning.

256. Can I turn to the significant change of course of the *Belgrano* before she was attacked? In the same Panorama programme earlier this year Rear-Admiral Lombardo said the change of course was all part of some plan to form a pincer movement against the British Task Force, but I understand he later withdrew or altered that statement. Can you cast any light on it?

(Mr Rice.) Yes. Two days after the Panorama programme there was an account in one of the leading Buenos Aires newspapers, *Clarin*, on 18 April, in which Lombardo retracted what he was alleged to have said in the Panorama programme. The key phrases in his retraction are: "The former commander of the South Atlantic Theatre of Operations, Rear-Admiral Lombardo, clarified yesterday that, when he stated that had he been in the place of the commander of the English submarine *Conqueror* he would have obeyed the order to fire against the cruiser *General Belgrano* he was referring only to the military aspect of the event, not the political—that is, whether that decision was opportune or not. Lombardo explained that 'as commander of a ship ordered to attack, I would have attacked' because otherwise he would have exposed himself to the penalties of the military code. But he added that 'the one you have to ask if the decision was good or bad is he who ordered the attack, not the commander who made the attack.' This is the way the naval leader explained the meaning of the declarations he made in an interview which he gave in February to British TV which was broadcast in London and known here through press reports." It goes on to say: " 'What the despatch papers print is correct but incomplete' said Lombardo when consulted concretely on the news from London. 'The journalist asked me what I would have done had I been the commander of the *Conqueror* and I replied that, 'as a naval officer commanding a vessel ordered to attack, I would have attacked. That's elemental; not doing so would expose one to . . .'." It is the same thing again. " 'But I added to him at once that who he had to ask if the decision was good or bad was the one who ordered the attack, not the commander who attacked. I can't term this order correct or not—though certainly inopportune as concerns the peace negotiations; that is, this sinking really frustrated a concrete possibility of reaching an agreement, that's what I said'."

257. You are convinced that the change of course is as significant as it was when you mentioned it in your book?

(Mr Rice.) Yes.

258. That is indicated the *Belgrano* was not posing any immediate threat to the Task Force?

(Mr Rice.) Yes.

Chairman

259. Did Admiral Lombardo say anything about the pincer movement?

(Mr Rice.) Not in this retraction.

Mr Lester: That is the point.

Mr Thomas

260. Referring to the question which related to a tacit understanding to avoid aggressive acts, were you aware when you wrote your book that on Saturday 1 May the Argentines had sought to launch an Exocet attack on a British ship?

(Mr Rice.) Is that not the same question? We have been over it.

261. What was the answer?

(Mr Rice.) As far as I can recall, I have heard about the attempted Exocet attack which was frustrated because they were not as good at refuelling in the air as obviously the British were. There are two schools of thought. One is that it happened on 1 May at about (this was my understanding) ten or eleven in the morning local time, and the other is an account from a book which shows it happened on 2 May which would push it out of the sphere of interest. My only point is that even if it were 1 May and if it were, as we believe, at ten or eleven in the morning, this could be seen as a riposte or reply to the massive attacks launched by the British from 4.23 morning, ie it was not they who started the fight.

Mr Lester: But it would suggest there was no tacit understanding either.

Mr Spearing

262. In the appendix to your first memorandum you say: "The second was a demarche by the overwhelming majority of Argentine generals urging the junta to sue for peace because the country's armed forces were simply in no state to take on

[Mr Spearing *Contd.*]

the British." Can you provide any specific proof of that?

(Mr Rice.) No. I got it from somebody who was very near to Galtieri and who gave me other information, all of which has been confirmed. It was he who gave me the details of who the generals were. Would you be kind enough to look at page 79? Talking about the attack launched on the British Task Force by the Argentine Navy, it says: "At 15.55 Vice-Admiral Walter Allara, the Fleet commander, received orders from Vice-Admiral Juan Jose Lombardo, Argentine Naval Commander South Atlantic, to use the two northern groups of his Task Force 79 (not the southern, the *Belgrano's*, group) in a search and destroy mission against the British fleet, in response to its merciless aerial and naval pounding of the Malvinas. Also during the afternoon, between 15 and 20 divisional and brigade generals and field commanders met informally at the Campo de Mayo military base outside Buenos Aires to discuss the worsening situation. General Llamil Reston, who was to become Minister of the Interior when General Reynaldo Bignone succeeded Galtieri, was in the chair. Their recommendation was that Argentina should negotiate and at all costs avoid all-out war. Some of the divisional generals from this meeting then went into Buenos Aires for a higher-level evening gathering at army HQ in the Edificio Libertador in Paseo Colon. Divisional General Jose Antonio Vaquero, Chief of the Army's General Staff, presided over this meeting attended by ten of the army's 12 divisional generals."

263. Was the last meeting you refer to additional to the working group of senior officers to which you refer?

(Mr Rice.) Yes.

264. You are saying there were no less than four meetings of this type: the meeting of the generals I first referred to in my question; the one you have just concluded with; the working group you refer to in paragraph 4 of your memorandum; and finally in paragraph 6b you say: "News of the *Belgrano's* destruction reached members of the junta soon after 1900 (2200 GMT) while they were considering the recommendations calling for approval of the Peruvian proposals"?

(Mr Rice.) Absolutely right.

265. Can I confirm, because I think you mentioned it earlier, that the recommendations there referred to came from the working group?

(Mr Rice.) Yes, the three army heads, or service heads, whose names I can give: General Norberto Iglesias, Rear-Admiral Benito Moya and Brigadier-Major Jose Miret of the Air Force.

266. But what you are telling us is that up to the point of the news of the sinking of the *Belgrano* there was a considerable movement towards a negotiated settlement?

(Mr Rice.) Yes.

267. Perhaps the one which was on the table from Lima?

(Mr Rice.) Certainly the one which was on the table.

268. So, what you are saying is that the tactics of the British up to that point had been successful, namely, forcing them to secure a negotiated settlement?

(Mr Rice.) I am saying, yes, had they been able to hold it there and not go ahead with the sinking of the *Belgrano* that possibility was extinguished.

269. On page 91 you refer to a report by United Press: "We recorded all these phone conversations as vital. So did Peru and—we understand—Washington. The progress was so great that Associated Press and United Press International in Lima, after talking with Belaunde, urgently reported to their New York offices that Argentina would accept the Peruvian peace proposal that night." You quote the telex message?

(Mr Rice.) Yes.

270. Has anybody tried to deny it, and have you any further confirmation you can send us of the receipt of that message in New York?

(Mr Rice.) Nobody has denied it as far as I know, and there have been many comments on it from the other side—many references to the press conference. We have the text of the press conference. We do not have proof that that telex was sent.

(Mr Gavshon.) We have seen reproductions of the telex.

271. In New York?

(Mr Gavshon.) In London, as it came into London.

272. Can you provide particulars of that at a later stage?

[Mr Spearing *Contd.*]

(Mr Gavshon.) Yes.

Chairman

273. You have said it was the opinion reported by United Press that Argentina would accept that night, but have we not earlier this morning discussed two points of the possible agreement which Argentina had indicated she would not accept, namely, the wishes of the islanders and the composition of the supervising force?

(Mr Rice.) But what comment we have is Belaunde talking to Haig had Haig saying, "We do not mind; we will if necessary stand down."

274. But on the point about the wishes of the islanders, that is a different matter. Mr Gavshon agreed it was a very important point?

(Mr Rice.) Yes, but remember, if I may say so, how near the Argentines finally got in their change of position. Their first position was, "Interests and no more than interests. We are the parents who know what are the best interests of the islanders. We will not accept 'wishes' because this gives the islanders virtually a total veto." However, in the end they got to the position of saying,"We will accept 'aspirations'." I would suggest that the distance between "aspirations" and "wishes" is not enough to make anyone go to war.

275. Is it your impression that at that time the Argentines were fully reconciled to taking their troops out of the Falkland Islands?

(Mr Rice.) Yes.

Mr Welsh

276. When I was in New York talking to Dr Arias Stella, now Ambassador to the United Nations, he was of the opinion that had the *Belgrano* not been sunk peace would have prevailed in that area. Francis Pym was asked that question and he did not subscribe to what Arias Stella said. Would you subscribe to what Arias Stella said as being the ultimate truth about it?

(Mr Gavshon.) I do not think Arias Stella has ever talked to Lord Lewin, but on the basis of what Lord Lewin says it is possible a general attitude had evolved in the War Cabinet by that time and that if it had not been the *Belgrano* something else would have been sunk, because I think at that stage it may well be the British War Cabinet felt the need to exercise such military pressure because the Task Force had by then been deployed to make the Argentines think even harder than they were thinking.

Chairman

277. After the announcement of the total exclusion zone Argentina announced its own exclusion zone of 200 miles from the Argentine mainland. What would you say about their protestations of dismay when a British attack was made within the Argentine exclusion zone?

(Mr Gavshon.) I have to say I was not aware of their proclamation of an exclusion zone of their own. I am aware they claim a 200-mile area of the sea which they regard as their economic zone, and they claim certain rights as many countries do, but from our understanding of the British position, from 23 April onwards any British ship that felt under threat could attack any Argentine warship anywhere in the South Atlantic. Once again, I will go back to Admiral Lewin who told us that if the Argentine aircraft carrier had been found even 500 miles away from the Falkland Islands it would have been engaged. Even before the so-called change in the rules of engagement on 30 April if she had been sailing homeward or back to port she would have been sunk or engaged; in other words, I am saying the existence of an Argentine exclusion zone did not seem to make any difference to the British position.

(Mr Rice.) It is curious that I did see a number of fairly high-powered military gentlemen in the Argentine—and political correspondents and ministers—and I never once heard of this declaration of an Argentine total exclusion zone.

278. Apparently they regarded 200 miles as a war zone?

(Mr Rice.) It may be linked with the economic zone.

279. Referring to the 23 April general warning of self-defence under Article 51 of the United Nations Charter, are you saying that the Argentine did not take this seriously and did not believe it applied to them in some way?

(Mr Gavshon.) I think there was a certain amount of genuine doubt about the exclusion zone.

280. Why was that?

(Mr Gavshon.) As Desmond Rice will tell you, Captain Bonzo of the *Belgrano* felt that if you were in the zone you were liable to be attacked and if you were outside it you were reasonably safe, and presumably this was why, according to the information from people aboard the *Conqueror*, the *Belgrano* on its westward journey was ambling along.

[Chairman *Contd.*]

281. You do accept that this warning under Article 51 was made public; it was notified to the United Nations and presumably was known to the Argentines?

(Mr Gavshon.) It was indeed.

(Mr Rice.) Certainly the Captain of the *Belgrano*, Captain Bonzo, who I interviewed two or three times, put emphasis on the total exclusion zone, and, as is said in this excerpt from the *Conqueror*, "The *Belgrano* spent the whole night of 1 May... They are not fools; they have been steaming steadily at all times parallel to and well south of the total exclusion zone." Bonzo never mentioned any general blanket 23 April statements upon the rules of engagement. He said, "Look, I cannot understand you people. You British have a name for being very logical. What does a total exclusion zone mean if it does not mean that if you are inside it you are sunk and if you are outside it you are not?"

282. Did you ever mention the Article, 51 declaration to him?

(Mr Rice.) I do not think I did.

283. Why not?

(Mr Rice.) Simply a lack of investigating ability.

Mr Wells

284. Can you explain to me why you think two major warships of the Argentine Navy had been sent to sea and occupied the position they did on 2 May 1982? What was their purpose in being there?

(Mr Rice.) I would guess again to do what they could to stop a landing, to attack at the moment of landing should a landing materialise. After all, the British Task Force was just getting into position and was within striking range.

285. In your view they were not a threat to British ships and personnel?

(Mr Rice.) I do not think they were if you look at the numbers and the fire-power; not much.

Mr Wells: I am glad we have that straight.

(Mr Gavshon.) To come back to the question of whether or not the Argentines really were in doubt about what the total exclusion zone meant, or what the 23 April warning meant, as we pointed out on 7 May the British Government conveyed a message elaborating upon the decision taken on 2 May, saying that any Argentine warship anywhere outside territorial waters would be considered hostile and could be attacked. If there was no doubt whatsoever about what the 23 April warning was intended to convey there was no point in sending that 7 May message to the Argentine Government. The fact there was some doubt was supported by Mr Pym and Attorney General Sir Michael Havers entering their reservations on 1 May.

Chairman

286. Does it not depend on what you consider to be a threat? I do not suppose a motor torpedo boat steaming along in the middle of the Atlantic would be thought of as a threat to the British fleet, but two powerful units, one north and one south, might be?

(Mr Gavshon.) The powerful unit in one case being shadowed by a hunter killer.

287. Yes; a powerful unit, Mr Gavshon?

(Mr Gavshon.) Yes.

Mr Spearing

288. In your conversation with Captain Bonzo did he give any evidence of understanding the distinction between an aircraft carrier outside the total exclusion zone containing aircraft of considerable range which could take off and attack in a relatively short time and a vessel like the *General Belgrano* which up to the change in the rules of engagement was outside the total exclusion zone and which would take some hours to reach the Task Force? Have you any evidence that that distinction was in the mind of Captain Bonzo when he accused the British of illogicality?

(Mr Gavshon.) He did not discuss with Desmond Rice the position of the aircraft carrier but was talking of himself.

289. But the distinction I have made is clear in your mind?

(Mr Gavshon.) Yes.

Mr Canavan

290. You said at the very outset that one on the main reasons behind your decision to write your book was that there had been inconsistencies in previous public statements about the war in general and about the sinking of the *Belgrano* in particular.

[Mr Canavan *Contd.*]
What do you think is the reason for those inconsistencies? Do you think it is a deliberate attempt to mislead people—a cover up—or do you think it is bad memory?

(Mr Gavshon.) It is not really for us to attribute motives to people. However, it seems that in various ways British Ministers and British defence authorities did not get their act together and I think they were surprised by a number of things. The scale of the casualty figures on the attack of the *Belgrano* might have been a factor. There was the adverse reaction in world opinion. Until that particular event I think Britain was widely regarded as the aggrieved party; after that event I think Britain was regarded as the country responsible for escalating the conflict. These were factors which I have no doubt were in the minds of British Ministers, and understandably so.

Mr Mikardo

291. I expect the witnesses are cognizant of the proceedings of the Committee when taking evidence from the Secretary of State, and I would like to ask them about two things he said. First, as to the threat posed by the *Belgrano*, from your researches would you think that, comparing the age of the *Belgrano*, its maximum speed, its equipment and the range of its guns with the British ships, it could really be said to provide a threat which could ever sink a British ship?

(Mr Rice.) There is one fairly good comment or reply to that, again in the retraction of Jose Lombardo of 18 April 1984. He said *Belgrano*'s mission was not to attack the British Task Force; it was not big or powerful enough or "gunned" enough to do it, and its job was to stay south and, if any loose British ship happened to be in that direction, to pounce on it.

292. Secondly, the Secretary of State was asked about the *Conqueror* going back to the scene of the destruction of the *Belgrano* on 3 May; he was asked whether it went back to sink the escort vessels and he said it had specific instructions not to sink the escort vessels. Have you any information as to when that instruction was given, and was it valid at the time the *Conqueror* went back to the scene of the battle on 3 May?

(Mr Gavshon.) That instruction to *Conqueror* was given on 4 May.

293. Are you sure of that?
(Mr Gavshon.) Absolutely.

294. Because that means that when the *Conqueror* went back to the scene on 3 May she was not under instructions not to sink?
(Mr Gavshon.) She was under instructions to take out the two destroyers if they were still there, and I think Mr Heseltine gave an answer relating to the situation on 4 May to make it apply to what happened on 3 May.

Chairman

295. Could you refer us to the evidence you have about the statement on 4 May?
(Mr Gavshon.) No, I cannot at this moment.

296. Could you let us know?
(Mr Gavshon.) Yes.

Mr Spearing

297. There has been reference to a diary of a crew member. Would it be that the evidence you would give in answer to that last question and the others might have reference to that, and have you a copy of the diary?

(Mr Gavshon.) I would rather not answer the last question about whether or not I have a copy, but I think it is correct to say that the orders given to the *Conqueror* on 3 May do appear in that diary; there is no question about it, it seems to me. On the other point about when the *Conqueror* was told not to attack any ship picking up survivors, that was on 4 May, and I can give you the reference to that.

Chairman: Thank you very much indeed.

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FOREIGN AFFAIRS COMMITTEE

Session 1984–85

THE EVENTS SURROUNDING THE WEEKEND OF 1–2 MAY 1982

MINUTES OF EVIDENCE

Wednesday 14 November 1984

Mr C W Wallace, CMG, CVO

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WEDNESDAY 14 NOVEMBER 1984

Members present:

Sir Anthony Kershaw, in the Chair

Mr Robert Harvey
Mr Ivan Lawrence
Mr Jim Lester
Mr Ian Mikardo
Mr Nigel Spearing
Mr Peter Thomas
Mr Bowen Wells

MR C WALLACE, CMG, CVO, called in and examined

Chairman

298. Ambassador, we are extremely grateful to you for coming, especially as you come from your post in Uruguay to see us. This is very helpful of you and we are appreciative of it. You were Ambassador in Peru from 1979 to 1983?
(Mr Wallace.) I was.

299. I wonder if you could start off by telling us something in general terms of the reaction in Peru to the Argentine invasion of the Falklands?
(Mr Wallace.) Yes. While the Government, the Peruvian authorities, always behaved impeccably, they were very courteous and immensely helpful and very forthcoming in a number of ways, there was a widespread popular emotional reaction in support of Argentina. This led to a number of things happening, which ranged from petty initiatives which were taken against us, such as obscene telephone calls received by the British Embassy, bomb hoaxes and threats, initiatives by labour unions to black British ships in the port of Lima and to do the same thing with British aircraft, and at one stage—it was a rather serious threat—by the post and telegraph workers unions to pull the plug on our communications, our telex and telephones, which meant it would have been very difficult for us. All these were reasons which needed me to be in frequent contact with the Peruvian authorities at all levels at this stage. At the same time there was a massively orchestrated Argentine disinformation campaign which at one stage resulted in the beaming of live news television broadcasts from Argentina into every Peruvian television. As a result of this the lack of knowledge of the true facts of the situation, which was such an evident feature of life in Buenos Aires at the time, was reflected to some extent in Peru. So throughout this period I regarded it as one of my principal duties to keep the Peruvian authorities at all levels informed of the realities of the situation as well as keeping in touch with them, asking for their assistance in cases such as I have described when we were threatened to have our telex and telephone cut off.

300. But your relations with the Foreign Office in Lima were correct and they were helpful so far as they could be?
(Mr Wallace.) The Foreign Office in Lima, the Ministry of Foreign Affairs, from the Minister to every member of staff that I had any dealings with at any time, they were immensely helpful, very friendly and very correct.

301. Could you tell us briefly the nature of your diplomatic contacts with the Peruvian Government between the invasion on 2 April and the end of April? For example, how often did you meet Dr Arias Stella in this period?
(Mr Wallace.) From 2 April I met Dr Arias Stella a number of times. The Peruvians had taken one or two other initiatives prior to the initiative which had been the subject of evidence given to this Committee before. They had asked for a 72-hour truce. This had been done through the United Nations and also I had received a communication to that effect. I met him on a large number of occasions after the events of 2 April, as I indeed met a number of other members of the Peruvian Government and officials of the Foreign Ministry.

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[Chairman *Contd.*]

302. Did you go to him and his Ministry or did he call you at your home or office—or how was it?

(Mr Wallace.) For the reasons I mentioned earlier, as a result of the campaign of disinformation sometimes we spoke on the telephone, even to exchange news about the latest BBC bulletins, in order that I could correct any of the wilder statements which had been put out by the Argentines at this stage. As an example of this, at one stage it was suggested we were about to blockade the mouth of the River Plate estuary, which would have been an act of aggression against continental Latin America with enormous repercussions in view of the Rio Treaty and so forth. At another stage the rumour was current that we were about to undertake a pre-emptive strike on the Argentine mainland, the Argentine air force bases. All these things had to be corrected and put right, and the truth had to be conveyed to the Peruvian authorities.

303. So would you say you were in daily or weekly contact with the authorities?

(Mr Wallace.) Almost daily.

Chairman: Could we come to the events of 1 and 2 May? I will ask Mr Lester to take this up.

Mr Lester

304. Could I be clear on one thing? What you just told us was you were having the normal running contact with Dr Arias Stella but not connected to any specific peace proposal, which is the normal sort of ambassadorial contact, because of the difficult situation?

(Mr Wallace.) That is correct, sir.

305. Could I then come to the question of the critical weekend? Could you confirm the Foreign and Commonwealth Office's evidence that you went to see Dr Arias Stella on the morning of Saturday 1 May 1982 and that this meeting was in pursuance of an instruction to a number of overseas posts?

(Mr Wallace.) That is right. I had in fact asked for an appointment with the Deputy Foreign Secretary on 1 May, on instructions from London, to discuss certain aspects, the extension of our exclusion zone, the bombing of the runway in the Falkland Islands, but when I arrived at the Foreign Ministry I saw first the Deputy Foreign Minister, and then the Foreign Minister himself invited me to see him. The ensuing conversation was reported to the Foreign Office at the same time in the normal way. I was given no indication that any new initiative was being considered. In fact Dr Arias gave me a copy of Mr Haig's message to the Peruvian Government, what is known as the "tilt" message, that Haig handed in when he decided to end his arbitration and the United States Government decided to support the United Kingdom as a result of the ending of the Haig mediation. In my conversation with Dr Arias he also asked me if there were any ways in which the Peruvians could help to break the diplomatic deadlock.

Chairman

306. I did not quite hear what you said —did you ask him or did he ask you?

(Mr Wallace.) He asked me. Dr Arias asked me if I thought there were any ways in which the Peruvians could help to break the diplomatic deadlock which had been established as a result of the ending of the Haig mediation. I said I had no instructions to convey any specific suggestions to him but I reiterated, I took the opportunity to reiterate, our insistence on the implementation of Security Council Resolution 502. I also spoke about the difficulties caused to Mr Haig by the different lines taken by some of his interlocutors in Argentina. I also reminded Dr Arias that it was clear that Argentina attached great importance to the attitudes and opinions in Peru, and I thought Peru could usefully exert its influence on Argentina in convincing Argentina to implement Resolution 502 without any preconditions as soon as possible. After some further conversation of a general nature in which references were also made to the imminent visit of the Secretary of State to Washington, I left the Peruvian Foreign Ministry.

307. So that there was no indication from that of a Peruvian peace initiative? It was not your perception that that was so? Was there a telegram? Did you send a telegram after that meeting in which the Peruvian peace proposals could have been mentioned?

(Mr Wallace.) I sent a telegram reporting my conversation in the terms that I have described to the Committee without any reference to any new proposals because no such proposals had been mentioned to me.

308. When did you next see or speak to Dr Arias Stella or any other representative or official of the Peruvian Government?

[Chairman *Contd.*]

(Mr Wallace.) There must have been a telephone call on the Sunday morning summoning me to appear before the Foreign Minister at 1830 that evening. It may have been a telephone call made by the Foreign Minister himself or it may have been, as was more usually the case, a telephone call from his private secretary. I do not remember which of the two but in any case what I do remember is that it was a totally unremarkable telephone call which summoned me to appear at 1830 that evening.

309. That was on the 2nd?

(Mr Wallace.) That was on the morning of the 2nd. I then went to the Ministry of Foreign Affairs at 1830 local time on the evening of the 2nd. As I was driving down to the Ministry of Foreign Affairs I heard on my car radio part, only part, of the Presidential broadcast which had begun at 1800 hours local time, in which the President announced that a series of proposals had been elaborated and that if these were acceptable to both parties the signing of an interim document would take place in Lima. A report of this broadcast was, incidentally, also sent by the Embassy in Lima to London at about the same time but I only heard part of this broadcast on the radio because I was, in fact, travelling in my car to the Ministry of Foreign Affairs. The Minister received me at 1830 when he first conveyed to me the details of the Peruvian proposals. This was half an hour after the Presidential broadcast. My report was received in London shortly after 0100 hours GMT on 3 May, which is, in fact, only one and a half hours after my conversation with the Minister had begun, and, given the constraints of transport and communications and the fact that the Ministry is about 25–30 minutes away from my office, I think it would have been difficult to improve on that timing. At 1830 Dr Arias began our conversation by saying that he hoped that we would have very good news very soon. I would like to emphasise the next sentence, if I may. He then said to me that after our conversation the previous day the President had decided to make a further attempt to break the deadlock and bring about an immediate ceasefire and various proposals had been considered with the hope of finding a formula which might bring about a withdrawal of the Argentine troops. Procedural difficulties had arisen during the course of various telephone conversations with Mr Haig but a seven-point formula had eventually been worked out. Dr Arias then gave me details of the seven-point formula. In reply to my specific question Dr Arias said that this formula had the approval of the Argentine Foreign Minister, that General Galtieri was "well disposed towards it" but that he had his military Junta to consult and convince. The Peruvian authorities were, however, anxious not to lose any momentum and it had been suggested to Washington that if the formula was acceptable the signature of some sort of interim document would take place in Lima.

310. Your reaction to that, in the sense that somebody from Britain would have been needing to sign it, must have been one of puzzlement because presumably if it was as close as that in terms of a negotiated settlement we, as a party to it, must have been very much involved in the negotiations?

(Mr Wallace.) There were certainly no negotiations which had taken place in which I was involved. I was not at any stage involved in the formulation of the production of these proposals. We know from two sources, the Presidential broadcast, which was relayed in the international wire services by API and various other people, that the signature of an interim document was due to take place, if both parties accepted these proposals, and the Foreign Minister also had said to me the same sort of thing, as I mentioned in my earlier evidence. I was aware of the fact that by this time it was about a quarter past seven local time, about 45 minutes after my conversation had first begun, therefore I could not help feeling that the Peruvian assessment was rather optimistic and if they hoped that the signature of a document was to take place imminently it was going to be jolly difficult to do it that evening because while it is true that in Lima we had four and a half hours left of today, it was already tomorrow morning in London.

Chairman

311. Ambassador, it has been suggested to us and in the press, I think, that you were very close to the negotiations and that General Haig was under the impression that sometimes when he telephoned to President Belaunde you were actually sitting in the President's room. Is that a correct impression?

(Mr Wallace.) No, Mr Chairman. I would not relish being put in the position

[Chairman *Contd.*]

of having publicly to contradict Mr Haig. We all owe him a tremendous debt of gratitude for everything he did during those critical weeks and, indeed, what he has done subsequently, but I do not think I am, in fact, being put in the position of having to contradict him. I have seen a transcript of the words actually used in this interview and while he said that the British Ambassador "was in on every bit of the negotiations in Peru, he was right in with the President", this could be a reflection of the close working relationship which I had established with all members of the Peruvian Government and it was a great privilege for me to work in those conditions. But be that as it may, I can categorically deny that I was in any room at any time when anyone was speaking to General Haig on the telephone.

Mr Harvey

312. Ambassador, is it your belief that there was no British input whatever into the seven-point proposal?

(Mr Wallace.) It is.

Mr Mikardo

313. Mr Wallace, the Foreign Office witness who talked to us in June 1984 said that the second "important" exchange or report from you came late on 2 May. I presume that the first one was the one you told us about which you sent on the Saturday reporting your conversation and I presume that the one which was said to have come later on 2 May was the one which you have just told us about, which came right at the beginning of 3 May. He said that was the second important report from you. What is the important and what is the unimportant? The suggestion is there were some other reports but they were not as important as those two. What were they?

(Mr Wallace.) Mr Chairman, I have not retired. I have not written my memoirs. I have been doing another job in another country for one year now. My recollection of the period—and I think this is the best answer I can give Mr Mikardo—is that in a normal routine manner we kept on sending telegrams to London and reporting on local developments. There is a series of telegrams from time to time which are sent giving the news headlines or any editorial comment which is made about any aspect which give an impression or convey the essence of public opinion in the country, so that I think there may have been other telegrams sent during this period but they were most certainly not telegrams concerned with the Peruvian seven-point proposal or any aspect of it.

314. If they were reporting such things as public comment and editorial comment in news broadcasts and the like, could those have contained some reference to peace proposals and you passed them on or not?

(Mr Wallace.) I do not think so, sir, because the first intimation that anybody had, at least as far as I am concerned the first intimation that we had of those proposals, was made in the Presidential broadcast at 6 pm local time on 2 May.

315. If I can come back to the passage you quoted a moment or two ago, Mr Wallace—the British Ambassador was in on every bit of the negotiations in Peru. I quite agree that "in on" does not necessarily mean in a room or a particular place, but it does mean that he was kept *au fait* with. So, taking on board your denial that you were ever physically in a room with anybody—and I do not think Mr Haig meant that—what do you say to his comment that you were kept *de facto au fait* with the peace talks right through? Are you saying he was mistaken?

(Mr Wallace.) The answer is yes, most definitely, mistaken. The only explanation I can offer for that is that of course President Belaunde, for whom I have the highest admiration and respect, he is a man I very much admire, continued his efforts to find a peaceful solution well into May, until about 19 or 20 May I think, and there were a number of subsequent negotiations in which in fact I was concerned and in which I acted as intermediary in some cases in conveying messages back and forth.

Mr Lester

316. But that was after.

(Mr Wallace.) But not before 1830 on 2 May.

Mr Mikardo

317. I believe you were present when we had our session this morning and if so you will have heard references to a document to which Dr Arias Stella was said to have referred, of which it was said that it evidenced your being *au fait* throughout with the proposals. What do you have to say about that?

(Mr Wallace.) Yes, thank you very much. I am glad to have the opportunity of clearing that up. I think it must refer to

[Mr Mikardo *Contd.*]

the fact that when Dr Arias showed me the seven points there were two versions, one was an English version and the other a Spanish version, but he only had one copy of each. So therefore we scribbled down together the Spanish and the English so that I could have a copy of each in order to ensure there could be no possible risk of subsequent misinterpretation.

318. Don't they have a photocopier at the Foreign Office?

(Mr Wallace.) Not that evening. In order to ensure there could be no possible risk of misinterpretation or ambiguity in the terms used. Therefore I think he has a copy of a piece of paper with my writing on which the English words were put, so that I could be sure that those were the English words that he had in fact agreed with me and vice versa. I wanted to have copies of the Spanish text. I do not think there is anything sinister about this. I think it was perfectly correct and illustrates the manner in which I was privileged to work with Dr Arias, whom I also hold in very high regard.

Mr Thomas

319. When you were shown that document was it on the evening of 2 May?

(Mr Wallace.) On the evening of 2 May.

320. And was it a seven-point plan, as we heard this morning—seven headings in other words?

(Mr Wallace.) Yes.

321. It consisted solely of that?

(Mr Wallace.) Yes, it consisted of seven headings, seven items.

322. And is it right that when you saw the Minister that night on 2 May, which I think was about 6.30—is that right?

(Mr Wallace.) Yes.

323. Did it come as a surprise to you that this initiative on the part of the Peruvian Government had been made?

(Mr Wallace.) Yes, it did come as a surprise. I was presented, as I have indicated previously, with a *fait accompli*. It was something of which I had no prior knowledge. But I did not stop to argue about it. Clearly my primary interest was in getting the report back to London as soon as possible, and this is what I did.

324. And then of course you reported back to HMG here?

(Mr Wallace.) I reported back to London, copying I think to Washington and New York in the light of the Foreign Secretary's . . .

325. What is the difference between Lima time and London time? Is it about five and a half hours?

(Mr Wallace.) London is Lima plus 5 GMT.

326. We were told for instance the difference between Argentine time and London time is four hours. The difference between Lima and Argentine time is I think one and a half hours. So I thought it might be a combination of those two. In any event, when you met the Minister on 2 May in the evening, the time then being 6.30, it would be roughly 10 o'clock at night London time?

(Mr Wallace.) 11.30.

327. And the *Belgrano* had been sunk at 8 o'clock London time?

(Mr Wallace.) That is so.

328. Were you told at the meeting that the *Belgrano* had been sunk?

(Mr Wallace.) No.

329. A matter that somewhat interests us in this Committee is the question of how much the Government knew of what has been called the Peruvian Peace Plan at the time when the *Belgrano* was sunk. Now you were, you say, at our meeting this morning. Are you aware now that the Peruvian Peace Plan was initiated by President Belaunde ringing up Mr Haig on Saturday night and later, having had a discussion with Mr Haig, ringing up General Galtieri at 1.30 in the morning Argentine time, which means 5.30 in the morning of 2 May London time? You heard that?

(Mr Wallace.) I did, sir.

330. And that that was the first time that the headings which you have mentioned were put to General Galtieri and he had certain reservations? You heard that?

(Mr Wallace.) I did.

331. And he said he would be in touch the following morning with the President of Peru—and the President of Peru in fact rang him up, I think it was at 10 o'clock on the 2nd, and General Galtieri said the matter had been handed over to the Foreign Minister. Now as far as you know, had there been any progress made on any

[Mr Thomas *Contd.*]

negotiations on the Peruvian Peace Plan at 10 o'clock in the morning of 2 May?

(Mr Wallace.) Any progress been made?

332. Any progress been made at all?

(Mr Wallace.) On 2 May? In Argentina?

333. 2 May, at 10 o'clock in the morning Argentine time is 2 o'clock in the afternoon London time, and the decision had been taken an hour before to sink the *Belgrano*. The question I put to you is in order to try and elicit if I can whether there was any information coming from you to the Government, to HMG, before the decision was taken to sink the *Belgrano*?

(Mr Wallace.) No, sir. The first information which I conveyed to London was received—

334. You were the man on the spot?

(Mr Wallace.) That is right.

335. And you say you had had no contact whatsoever with any negotiating, and the first thing you knew about this plan was at 6.30 or 6 o'clock when you heard something on the radio—at 6.30 when you met the Minister?

(Mr Wallace.) They were first conveyed to me by the Peruvian Foreign Minister at 1830 hours local time, which is 2330 hours GMT. This was half an hour after the presidential broadcast. My report was received in London on 3 May shortly after 0100 hours in the morning of 3 May.

336. By which time the *Belgrano* had been sunk?

(Mr Wallace.) That is correct.

Mr Harvey

337. Did you get the impression that in the minds of the Peruvian Government the sinking of the *Belgrano* and the failure of the Belaunde-Haig mediation were linked?

(Mr Wallace.) I did not hear the last bit of your question.

338. Did you get the impression that in the minds of the Peruvian Government the sinking of the *Belgrano* and the failure of the Belaunde-Haig mediation were linked in any way?

(Mr Wallace.) I remained in Lima in Peru for 18 months after the events that we are discussing this evening. Throughout this period a large number of people said what a pity it was that the Peruvian proposals, the Belaunde proposals, did not proceed as a result of the Argentine rejection of the terms following the sinking of the *Belgrano*. But throughout this period in the 18 months I was there no one suggested to me that the *Belgrano* had been deliberately sunk in order to prevent the Peruvian proposals from prospering.

339. So most people accepted that the blame for the failure of the negotiations was Argentinian and not British?

(Mr Wallace.) Many people said what a pity it was and, indeed, this is something which is referred to in some of the magazines and compilations which one has read about conversations which took place, the taped conversations which took place between the Peruvian authorities and the Argentine negotiators at the time.

Mr Lawrence

340. Could I just get this clear in my mind. When you went to see the Peruvian Foreign Minister, Dr Arias Stella, at 6.30 the *Belgrano* had already been sunk some three hours. When did you first hear that the *Belgrano* had been sunk?

(Mr Wallace.) I think I heard it about four or five in the morning.

341. How many hours after this meeting?

(Mr Wallace.) About seven or eight hours after the meeting.

342. Was there any indication given to you by Dr Stella that the *Belgrano* had been sunk?

(Mr Wallace.) No.

343. Do you not think that astonishing that if he knew that the *Belgrano* had been sunk he did not pass on that information to you?

(Mr Wallace.) But why do you say "if he knew"?

344. Do not be defensive because I am not trying to put you in the dock. It just occurs to me that if he did not tell you that the *Belgrano* had been sunk he did not know either?

(Mr Wallace.) I am sure that is the case.

345. You are agreeing with me that it would be almost unbelievable for him to have known and not to have told you?

(Mr Wallace.) I agree.

[Mr Lawrence *Contd.*]

346. Therefore, the conclusion is that the Argentines had not even told him that the *Belgrano* had been sunk three hours before?

(Mr Wallace.) I must assume you are right: he certainly did not know and certainly did not tell me.

347. Can I ask you then about the seven-point plan. Did you get the impression from Dr Stella that you were the first diplomat or spokesman on the British side who was receiving the information about the seven-point plan or did he indicate that it had already been passed on through some other source to somebody else?

(Mr Wallace.) No, Dr Arias Stella said that the plan, as I have mentioned before, had been discussed in a number of telephone conversations with Mr Haig in Washington and there was a clear implication in the conversation that I had with him that these proposals had been transmitted by Mr Haig to the British Government.

348. Were you in touch with Francis Pym in Washington?

(Mr Wallace.) No. May I qualify that. I was later. I received instructions from Washington to acknowledge the Peruvian proposals and to say that we needed a little time to consider them. We also reiterated our profound gratitude to the Peruvian authorities for their continuing efforts to find a peaceful solution but said could we have a little more time to consider and analyse these proposals and a substantive answer would be sent to us as soon as possible. This happened in the middle of the night.

349. So you spoke to Francis Pym?

(Mr Wallace.) No. I received a telegram from his private secretary.

350. Did you actually, ever speak to him?

(Mr Wallace.) No.

351. So your communication was straight through to London?

(Mr Wallace.) My communication was to Washington and London.

352. And that was at 0100 hours to London. You have told us that.

(Mr Wallace.) Yes.

353. So shortly after your meeting with Dr Stella?

(Mr Wallace.) May I make a correction, please. I am sorry, it was not Washington I received my instructions from, it was New York at the time.

354. The point I really want to know is whether you were just being told the details of the plan out of courtesy or whether you were being told the details of the plan because of your peculiar importance as the Ambassador in Peru and Peru being the creator of the plan. Did you get the impression that you were just being told something that had already been passed on to Haig or to Washington or to London or that this was the first time anybody was actually hearing the matter in such detail on our side?

(Mr Wallace.) No, the impression conveyed to me by Dr Arias was that this had been discussed with Haig and the clear impression of the Peruvian understanding was that Haig had been in touch with Mr Pym and with the British Government.

355. How long before?

(Mr Wallace.) That I was not told.

356. Can I ask you a bit more detail about the proposals as you understand them at that time. We know that there is a dispute as to how you test or how you react to the wishes of the Falkland Islanders or to the interests of the Falkland Islanders or the aspirations of the Falkland Islanders. That is an issue which has been perpetual. Did he indicate to you what the Peruvian proposal thinking was on that issue of whether they were going to have regard to the wishes, the interests or the aspirations of the Falkland Islanders?

(Mr Wallace.) The question of the wishes, aspirations and so on is a matter which clearly had occupied the Peruvian mind because I remember discussing this aspect of the situation in the bits of paper that we scribbled in order to get the wording right, and my report giving the terms of the seven-point proposals includes the word "aspirations".

357. So did Dr Arias Stella give you any indication that there were differences amongst the contact group of nations as to whether there should be "aspirations" or "interests" or "wishes"?

(Mr Wallace.) No.

358. You have got the conclusion that everybody had agreed that "aspirations" would be the factor in the plan?

[Mr Lawrence *Contd.*]

(Mr Wallace.) I do not think that aspect was covered in the terms in which you have put it. I got the conclusion and I got the wording which I wrote down, which was that the Peruvian proposals would include the word "aspirations".

359. Did he tell you of any other differences that had arisen in the course of negotiating the detail of the plan, and if so, what?

(Mr Wallace.) He said that a number of procedural difficulties had arisen which had been the subject of many telephone conversations with Mr Haig, on the one hand, and with the—

360. Can you give us some indication? Did he elaborate?

(Mr Wallace.) No.

361. He just said procedural—

(Mr Wallace.) Procedural difficulties had arisen with Mr Haig, on the one hand, and with the Argentines, on the other. This is something which he emphasised also and in the subsequent telegram which I sent adding a certain amount of comment on the question of our previous conversation with Dr Arias he confirmed on two separate occasions that the Peruvians now regarded the ball as being in the Argentine court at this moment in time.

362. That there had been other differences than procedural ones or not?

(Mr Wallace.) That I do not know.

Chairman

363. Ambassador, did you regard the proposals at that meeting at half past six as a completed plan which had been worked out and was presented to you or did you regard it rather as a basis for further negotiation?

(Mr Wallace.) Yes, I regarded it, frankly, as a basis for further negotiation because there were one or two aspects of the proposals which it was clearly agreed should be developed and considered further. We have mentioned one of them, the question of "aspirations". Hitherto we had always thought of the wishes of the Islanders as being paramount. There were one or two differences of that nature which clearly would have to be developed and considered further.

364. So he indicated there and then that there was further work to be done?

(Mr Wallace.) Dr Arias did not indicate that, Mr Chairman. He merely said this is the basis on which the Peruvian plan is being launched and we hope that if its provisions or its outlines are acceptable to both parties there would be the signing of some agreement in Lima. But as I have mentioned earlier, I thought at the time, I remember clearly thinking, this was rather optimistic.

Mr Lawrence

365. And also that General Galtieri had to convince his Junta first?

(Mr Wallace.) That is one of the points which was made—by subsequent conversation with Dr Arias in which he stressed, on two separate occasions, that they regarded the ball as being in the Argentine court. If I may add a word of explanation of my own, it was clear to me that there was one major objection to this proposal and that is that it required the Argentine withdrawal of troops from the islands. We knew jolly well they were not going to do that. Resolution 502 provided for two aspects of the situation. One was Argentine withdrawal and the other one was negotiations, and had they been disposed to withdraw their troops, I venture to think we might not be here this evening.

Chairman

366. But if Dr Arias still had thought that the Argentines were willing to withdraw their troops and to follow the Peruvian plan, to that extent he presumably would have felt a great sense of triumph as this was a very difficult point which he would have overcome. He did not convey that feeling to you?

(Mr Wallace.) He did not convey that feeling to me at all, Mr Chairman. When I was here this morning I thought that a number of members of the Committee were referring to the book which has been written by Mr Rice and Mr Gavshon. There is in fact another book which is *here* which is written by three Argentine journalists, which purports to be the most comprehensive and quite objective account of the events leading up to the Falkland invasion and the events which immediately succeeded it. It contains the transcript of a number of telephone conversations which I think have been quoted in part by the book which was discussed this morning. In several of these conversations—there are two conversations in fact in which General Galtieri refused to take President Belaunde's telephone calls and asked Costa Mendez to answer on his behalf. The conclusions reached by the journalists in this book are that General Galtieri was not disposed to give an answer either one way or the other about the Peruvian proposal even though Costa Mendez, his Foreign Minister, appears to have been hopeful that some sort of a solution would be found.

[Chairman *Contd.*]

Mr Mikardo

367. I want to get absolutely clear the answers you gave to some questions of Mr Lawrence—and the lack of clarity is probably due more to deficiency of my perception than of your explanation. You say that Dr Arias Stella in that conversation you had with him from 1830 onwards on the 2nd indicated that he had been in touch with General Haig and he indicated, I thought you said, that he was under the impression that all he was saying to General Haig was being passed on to and discussed with Mr Pym. Is that right?

(Mr Wallace.) That is correct.

368. That being so, though you say that the information you were then given was the first of your cognisance, it was not the first of Her Majesty's Government's cognisance of the peace proposals, if in fact they had been passed on by General Haig to Mr Pym. Do you have any information which can give any guidance as to whether they were or were not, apart from Dr Stella'a impression?

(Mr Wallace.) I believe that Mr Pym gave evidence before this Committee on the subject, in which he referred to this very aspect of the situation. I think I could probably find the text of the evidence.

369. I have that in mind. What I am trying to get is, what you got out of what Dr Stella said about it.

(Mr Wallace.) The only thing I got out of my conversation with Dr Arias Stella was the implication he believed—Dr Arias Stella said he believed that these conversations with General Haig had been relayed or had been communicated to Mr Pym.

370. Indeed, Mr Wallace, would there have been any point at all in Dr Arias Stella's representations to Mr Haig if they were not going to be or had not been discussed with Her Majesty's Government? Wasn't he talking to Mr Haig as an intermediary? Thus the chain of intermediaries was: the Argentines to the Peruvians to the United States to Great Britain: so that just as President Belaunde was the first link in the chain of intermediaries of communication, General Haig was the second, and there would have been no point in communicating with him unless he was passing on to the next link. Is that not so?

(Mr Wallace.) That is what Dr Arias said and obviously thought.

Mr Wells

371. At this meeting at 6.30 with Dr Arias Stella, what did he ask you to do? Did he want you to find out the British Government's reaction to these proposals? Was he asking you to get the British Government to negotiate directly with Lima? What was he wanting you to do, if anything?

(Mr Wallace.) I think that your question has a bearing on the answers I have just given. We must remember that he had also summoned the Argentine Ambassador at 1800 hours that same evening to communicate to him the same piece of paper, the same seven-point plan. This was regardless of the fact that, as we all know, conversations had been taking place on the telephone both with General Galtieri and Costa Mendez on the one hand and with Mr Haig on the other. He asked me only to report back to my Government as soon as possible, which I did, and to let him have an answer as soon as possible.

372. From that conversation then you concluded, I imagine, as I would from what you have just said, that no British agreement had been obtained to adhere to those seven points?

(Mr Wallace.) Certainly.

373. Or to a cease-fire?

(Mr Wallace.) Absolutely not. In fact the instructions I received in the middle of the night from New York were that while reiterating our profound gratitude to the Peruvian authorities for their continuing efforts to find a peaceful solution, we needed more time to consider the proposals, we needed more time to analyse them. I was explicity told to try to forestall any suggestion, as had indeed been suggested in one of the phrases used in the press announcement made the previous evening, to forestall any suggestion that these had in fact been accepted, and my instructions were to say that we neither accepted nor rejected them but that we

[Mr Wells *Contd.*]

wanted more time, and we were very grateful.

374. And indeed negotiations continued did they not?
(Mr Wallace.) Indeed they did.

375. Through your office.
(Mr Wallace.) I was involved in some negotiations until 24-25 May—subsequent attempts by President Belaunde.

376. So that would indicate the sinking of the *Belgrano* by no means dampened the enthusiasm of the President in Peru in pursuing his proposal?
(Mr Wallace.) That is my impression. That is my conviction.
Mr Mikardo: It was not his ship, was it, after all?

Mr Spearing

377. Following that last point, it may indeed have stimulated President Belaunde, but surely there was a change of attitude—and perhaps you can tell us of it if you knew of it—on behalf of the Argentine Government?
(Mr Wallace.) I would again refer to this book, which I think purports to give a very comprehensive account.

378. Can we know the name and title?
(Mr Wallace.) *Malvinas—La Trama Secreta*, which means *The Secret Web*. It is written by three Argentine journalists called Cardoso, Kirschbaum and van der Kooy. They belong to a newspaper called *El Clarin*. They have written an extremely interesting and to me truly fascinating account. They claim to have access to all the tapes of the conversations which took place between Buenos Aires and Lima. Indeed, I have reason to believe that these tapes are true because they are the same tapes which were subsequently quoted by the military authorities in Argentine in the famous Rattenbach Report, which was a judgment on the conduct of the war and on the conduct of those personalities, those military officers principally concerned. The conclusion that these journalists reached is that it did not really make very much difference at all because President Galtieri would find it politically and domestically impossible to withdraw the troops from the Falklands anyway.

379. If I may ask a few questions arising out of what has been said and adding to that, can I ask you, Ambassador, the United States' tilt or the dual declaration by the Senate and Secretary of State Haig came, I think, on the Thursday morning—
(Mr Wallace.) Friday.

380. —The Friday morning. From your Latin American experience what impact was that likely to have had or did it have in Lima and was likely to have had in Montevideo?
(Mr Wallace.) I was not in Montevideo at the time but in Lima I also reported on the—

381. It need not be extensive, just brief.
(Mr Wallace.) The Peruvian authorities took a fairly poor view, there is no question about it, and I was given a copy of the Peruvian views. The Peruvian reply to the Haig tilt was as follows: "The Peruvian Government had been actively trying to avoid confrontation and had expressed their position clearly in a communique which they issued on 3 April at the United Nations. They had also produced a truce proposal on 11 April and in a declaration which they had made at the most recent, which was the first, OAS meeting. They consider the possibility of an armed conflict on Latin American continent as anachronistic and inadmissible, with incalculable consequences. The Peruvian Government deplored the measures adopted by the US Government which clearly favoured one of the parties and which had put an end to the good offices mission. The US offer to provide military and material assistance to the UK contravened Security Resolution 502 by adding to the conflict and by prejudicing the peaceful objectives of the OAS Resolution, and the Peruvian Government was ready to continue the search for a peaceful settlement and would adopt any initiatives necessary to achieve that end within the limits of international law."

382. In other words, they almost, using colloquial terms, took the baton from Secretary of State Haig and particularly President Belaunde, so in the last sentence there was in a sense an obligation for him to carry on. Is that broadly right?
(Mr Wallace.) I would not myself use the word "obligation" but it is clear to me that since Mr Haig had been conducting his shuttle, his mediation, for several weeks previously, when Mr Haig decided to end his mediation attempt the Peruvians as a starting-point obviously thought that he

[Mr Spearing *Contd.*]

was the best person to get in touch with and, indeed, references were made this morning to a telephone call which was made by Dr Arias Stella to the American Ambassador in Lima at the time. Curiously enough, this book refers in a number of places to the intervention of the American —and I repeat American—not the British Ambassador in the events leading up to the presentation of the seven-point plan.

383. Referring to the phrase used by Secretary of State Haig "right in with", I am now taking that in a mental sense because I think you said a little while ago that you had a high regard for President Terry and you knew him and he knew your mind. I would take it then that he was broadly aware, in fact aware in quite considerable detail, of what would be acceptable to the United Kingdom and that you had discussed this and he knew what was in your mind and it might have been as if you were there in terms of his appreciation of the UK position. Is that going too far?
(Mr Wallace.) I think it is going too far because I had no contact with the President at this period. My contact was almost exclusively with the Foreign Minister at this time.

384. When you say "at this period", from what time would that be?
(Mr Wallace.) From 2 April, from the invasion, until 4, 5 or 6 May, I think it was.

385. So there were no unofficial social contacts on other occasions at all of any sort?
(Mr Wallace.) None in which we discussed these matters, certainly not.

386. Nevertheless, it would be true, would it not, that through the Haig initiative and what he was purporting to carry from the United Kingdom President Terry took a broad view of what was generally acceptable to the United Kingdom?
(Mr Wallace.) The suggestion made in this book is that there must have been—

387. I am asking your views, Ambassador.
(Mr Wallace.) On the basis of his conversations with Mr Haig it is clear that he must have been given a very good idea of what was acceptable to the United Kingdom, as understood by Mr Haig.

388. The seven points which you saw as you met Dr Arias Stella at 6.30, apart from some of the things we have discussed—and I will ask you in a minute, the question of the interests of the Islanders and withdrawal—apart from those two points, which I think were covered in those seven points, they were broadly in line with what might well have been supposed to have been acceptable to the United Kingdom. Is that reasonable?
(Mr Wallace.) "Broadly in line" is, I think, a proper description. In fact, in a subsequent set of proposals which were discussed and negotiated subsequently a week or ten days later, a number of those—

389. Indeed, so you as a diplomat hoping to avoid a war, might have seen a basis certainly of potential in these seven points?
(Mr Wallace.) I think the Foreign Secretary at the time must in his evidence to your Committee have made the same point.

390. Indeed. You referred earlier to the lack of will of the Argentinians to withdraw but am I not right in thinking that the second of those seven points was, indeed that very thing?
(Mr Wallace.) Yes.

391. If that was in the seven points as presented by Dr Arias Stalla after the telephone conversation, what makes you think that at that time they were not willing to consider withdrawal?
(Mr Wallace.) Because they had refused to comply with the terms of Resolution 502.

392. But surely Ambassador, the situation had completely changed by then? First, there had been the big tilt by the US and, secondly, they had had the attacks which we know about before the *Belgrano*? Might not that have changed their mind?
(Mr Wallace.) If it had I did not know about it.

393. You heard some evidence this morning which suggested that it may well have done. Have you any reason to suppose that that evidence is not correct?
(Mr Wallace.) Now I have. We have heard and seen interviews with journalists which have quoted General Galtieri as making categorically the assertion that the withdrawal of the troops was simply not acceptable and would never have been possible.

[Mr Spearing *Contd.*]

394. I can well imagine, and I will not go into it but you will agree that there are good reasons why he would say that now but at the time you have agreed with me that they may well have agreed on point two. Can I go on to the question of the Islanders. We have used those words "interest" and "viewpoint" and the word which I think was used was "aspirations". Then you introduced the word "paramount". Am I right in thinking the word "paramount" was not in those seven points and was certainly not discussed in the context of the development of the seven points at all?

(Mr Wallace.) That is correct.

395. So the veto had gone from the UK position?

(Mr Wallace.) On the paramountcy of the wishes of the Islanders?

396. Yes.

(Mr Wallace.) In the proposals as put by the seven points as put by the Peruvians, certainly that had disappeared.

397. That is why I did not understand why you mentioned that word in the context of the seven points, or was I wrong?

(Mr Wallace.) No.

398. I thought I heard you use the word "paramount" much earlier in the evening.

(Mr Wallace.) I used the word "paramount" in reply to a question, if I recall correctly, in which I was asked whether I thought they were points which were likely to be acceptable to the British authorities; and then I remembered from my previous experience that we had always held the view that the wishes of the Islanders should be paramount, and this being a missing element it was therefore one of the points with which you know, there might—

399. But you also agreed with me a little earlier in my conversation with you that in fact the seven points were broadly within the known or assumed wishes of the United Kingdom. I think you will agree with me that that now does not apply. But can you tell me also, the seven points, were they mentioned on a single sheet of paper or were they in a file or perhaps a bound volume?

(Mr Wallace.) The seven points were on a single sheet of paper given to me by Dr Arias. I had heard of references to the red leather bound treaty which was prepared or said to have been. I myself would not be prepared to seek to disprove the existence of this treaty. I never saw the treaty, I was not told about the treaty. I was never consulted about any terms or told what it might contain. But I know that a number of people claim to have seen it. All I would say is that we know from two different sources, that is from the presidential announcement at 6 pm and from my conversation with Dr Arias Stella, that the Peruvians were hoping that if their proposals were acceptable an interim document would be signed in Lima. The Peruvian diplomatic service is a highly professional, very skilled and dedicated organisation, and I have no doubt that if they thought a treaty was likely to be signed they would have made all necessary contingency arrangements.

400. So this rumour or story is compatible at least with optimism in Lima that night?

(Mr Wallace.) Certainly.

401. Can I ask you about the press wire? You mentioned the presidential statement at 6 pm. Was that the one which later on in the evidence we heard this morning was transferred to New York and the witness said to London by the AP and the UPI? In other words, what I am really asking you is was there widespread knowledge in Lima at that time, presumably after the broadcast was heard on the radio, that big news might be happening shortly?

(Mr Wallace.) Certainly.

402. And although you no doubt exercised diplomatic caution, did you entirely rule that out as being over-optimistic or entirely unlikely?

(Mr Wallace.) I think it is a question of timing. My references to over-optimism were made to the prospect of signing an interim agreement in Lima within the foreseeable, the immediate future. I thought that was slightly over-optimistic, but I did not stop to argue. My interest was clearly to get my report back to London as soon as possible, and this is what I did.

Mr Lawrence

403. There is just a loose end, Chairman, I would like to tie up. Can you confirm what Francis Pym told this Committee, that you went to see the Foreign Minister of Peru at his request on 1 May and that on that morning you

[Mr Lawrence *Contd.*]

discussed the whole situation and there was absolutely no mention whatever of any proposals at all?

(Mr Wallace.) I went to see the Foreign Minister of Peru. As I mentioned earlier my appointment had been sought with the Deputy Foreign Minister, but when I arrived there I was invited to see the Foreign Minister himself. We discussed the situation in the South Atlantic and at that time there was absolutely no mention made of the Peruvian seven-point proposal.

404. Or any proposals at all.

(Mr Wallace.) Or any proposals at all.

405. The next time you spoke to the Peruvian Foreign Minister was when after that?

(Mr Wallace.) The next day—to the Peruvian Foreign Minister.

406. And that was the meeting in the evening?

(Mr Wallace.) And that was the meeting in the evening.

407. Prior to that, you received a telephone call that morning at what time —Peruvian time?

(Mr Wallace.) I cannot remember. I do not recall, but it must have been at about mid-day judging by the hour I was given to call.

408. Whom did you speak to, can you remember?

(Mr Wallace.) It was either the Foreign Minister himself who was in the habit of calling, or it was his private secretary.

409. Did you have any reason to suppose from what was said to you at about mid-day on that morning that there were proposals formulated which they wanted to tell you about urgently?

(Mr Wallace.) No.

410. What did you understand to be the reason for your summons some six and a half hours later?

(Mr Wallace.) I could only speculate about the nature of the business which had to be transacted.

411. Just a general discussion about the situation? No indication whatsoever either that proposals had been formulated that they wanted to tell you about?

(Mr Wallace.) Certainly not.

412. Or that they were working on any proposals which they hoped to have formulated by 6.30?

(Mr Wallace.) I was hoping against hope that there might be a reaction to the suggestions I had conveyed to the Foreign Minister the previous day about the Peruvians urging the Argentine authorities to comply with Resolution 502.

413. Did you ask at the telephone call?

(Mr Wallace.) No.

414. It was just "Please will you come?".

(Mr Wallace.) And see the Foreign Minister at 6.30.

Mr Mikardo

415. I want to ask about this mysterious little red book about which I have heard for the first time. I want to know something about it. You have told us you cannot prove or disprove its existence and therefore I am asking questions about something for which you are not responsible. I am just picking out the information that you must have. From what you know about it or have heard about it, does it purport to be the text of an agreement between Britain and the Argentine to bring the conflict to an end?

(Mr Wallace.) I do not know. I have never seen it. I have never been shown it. I have never been told what was in it. I simply do not know.

416. Who told you of its existence?

(Mr Wallace.) For one, Mr Paul Foot. That was not meant to be a humorous remark. There are a number of people who have claimed to have seen it. I would not myself seek to disprove this in spite of the fact that I have never seen it myself and do not know what it contains.

Mr Harvey

417. So far as the Peruvians themselves were concerned, do you think the seven-point proposal was in fact a complete draft agreement or were they expecting further negotiation on it?

(Mr Wallace.) The reference made in the presidential broadcast was to an interim document being signed and this is what was reported in fact by the international wire services.

418. So far as you were concerned this was the interim document?

(Mr Wallace.) I did not see any interim

[Mr Harvey *Contd.*]

document. I did not see any treaty. I had a piece of paper given to me containing seven points which the Peruvians had advanced and worked out with Mr Haig. But the treaty which was to have been signed, I have never seen.

419. And the treaty was to have been much longer than seven points was it not?
(Mr Wallace.) I can only speculate.

Mr Spearing

420. There is just one point—on 7 May, Mr Wallace, Mr Pym reported to the House on the negotiations, let us call them the seven points as modified, and many of them were very similar to the ones we have been discussing. Argentina had rejected those, or rather we rejected those which Mr Pym said were Argentine's. Were you involved in any way in the development of the seven points, as you have said they were developed by others? Can you cast any light on how they were developed?
(Mr Wallace.) I was not involved in the development of these points. I was instructed at one stage to convey the text of a message from the British Government to the Peruvian authorities, which set out the sort of points which might be acceptable to Britain and in which a number of concessions had been made. This I retailed at the time to the President of Peru, but in this particular context at this moment in time I was acting as the purveyor of information which I had not been involved in negotiating.

421. So that if there were any development of those seven points, which you were the first British diplomat, I think, to see on the single piece of paper you have referred to, that development would have been carried out elsewhere and not with Lima?
(Mr Wallace.) Yes.

422. Would you agree with me that if the seven points as originally adumbrated, not just as modified in that Pym statement of 7 May, had been acceptable as an interim basis at least for a ceasefire and mutual withdrawal and perhaps a contact group, that would have been success for the United Kingdom policy? Would you have regarded it as such?
(Mr Wallace.) Success for United Kingdom policy by the acceptance of the Peruvian points as drafted?

423. As a negotiated position, let us put it like that?
(Mr Wallace.) There were a number of items in those things which were not acceptable to the United Kingdom.

424. But I thought you told me a little earlier that the proposals were broadly in line with what the United Kingdom was willing to accept?
(Mr Wallace.) I do not think I said that. What I said was, we mentioned the word "aspirations" as an example of the sort of thing which had to be further developed and considered and, in fact, the response which I got from London that night said precisely that, that we were very grateful for the message, we were grateful for the continuing efforts but we wanted to consider, analyse, refine, and, indeed, amend.

425. Yes, that they were not acceptable in the way they were termed but I will pass on and ask one last question on this. You heard this morning about the three military meetings and the meeting of the Junta when the news was received of the sinking of the *Belgrano*. Do those circumstances appear credible to you or unlikely?
(Mr Wallace.) The meeting of the Junta following the sinking of the *Belgrano*?

426. No. If you recall, we had evidence, or at least a view was expressed this morning, that there was, first of all, a meeting of Generals, who, in view of the hopeless military position as they saw it, made representations and then there was a meeting of another senior group of personnel and another meeting of the working group, who recommended that the Peruvian Lima proposals be accepted, and it was while they were being discussed, so we are told, that the news of the sinking of the *Belgrano* arrived and put an end at least to the considerations for the time being. Does that train of events appear to you to be reasonable, likely, unlikely, incredible?
(Mr Wallace.) This is what the Foreign Minister, Dr Arias, told me himself when I telephoned him in the early hours of the morning of 3 May to convey to him the British Government's interim response to the Peruvian proposals. He made no comment about the points that I made about the actual significance of the Peruvian plans and more or less interrupted me to say that the Argentines had rejected the proposal late last night as a result of the sinking of the *Belgrano*.

Chairman

427. Ambassador, we have used the words "broadly acceptable". Am I right in thinking that those words were used by Dr Arias Stella at that 6.30 pm meeting to indicate that he thought that the Argentine found his seven proposals broadly acceptable?
(Mr Wallace.) This is exactly what I said, yes.

428. It was not the British Government finding them acceptable?
(Mr Wallace.) No, sir.

429. It was the Argentines?
(Mr Wallace.) May I repeat. Dr Arias Stella said that the seven-point formula had the approval of the Argentine Foreign Minister and that General Galtieri was "well disposed towards it" but that he had his military Junta to consult and convince.

430. And point two was that the Argentine troops follow Resolution 502 and evacuate the Falklands Islands, which you considered likely or unlikely?
(Mr Wallace.) I think it was very unlikely because they had—

Mr Thomas

431. The position is this is it not, Ambassador? I did make a note of what you said at your meeting at 6.30, which was that it was the Argentinian Foreign Ministry who the Peruvian Foreign Minister thought would find the initiative acceptable and Galtieri was generally sympathetic but he had yet to consult and I believe you also used the words "and convince" the Junta. That is the position, is it?
(Mr Wallace.) Those are the exact words of Dr Arias Stella.

Chairman

432. Ambassador, you are now in Uruguay and I wonder if you can give us an assessment of the current view in Uruguay and perhaps generally in Latin America, if you know of it, about the continued presence of the British in the Falkland Islands and the likely possibility of some kind of negotiation? What is the general view?
(Mr Wallace.) Uruguay is one of the countries in Latin America—in fact, I think almost every country in Latin America supports in principle the Argentine claim to sovereignty over the Falkland Islands. We know that such a claim exists; we do not deny it, but I do not think I have come across any country in Latin America which approved of the manner in which the former Argentine Government set about pursuing its objectives. In Uruguay the situation is very clear. Uruguay has always, and during the critical weeks in 1982 during the South Atlantic conflict, behaved in a traditional humanitarian manner which enabled us to use facilities based in Uruguay in order to take out our wounded, exchange prisoners and that sort of thing, but Uruguay, while subscribing to the principle of Argentinian sovereignty, would not pursue or advocate the pursuit of an Argentine campaign to recover the possession of the Islands other than by peaceful negotiation.

433. Do the members of the Uruguayan Government continue to bring pressure upon you to get negotiations going or to take other steps in the matter?
(Mr Wallace.) They do not.

Mr Mikardo

434. You say, Mr Wallace, they would not approve of an Argentine attempt to establish their sovereignty by the discredited means they used once before, but what do you imagine they think ought to happen now?
(Mr Wallace.) I am in fairly close contact with the Uruguayan authorities over these matters. In fact I make it my business to keep them informed of developments on this particular front, particularly since the abortive contacts in Berne and so forth. I have explained very clearly that the Argentine insistence on putting sovereignty at the top of the agenda makes it very unlikely we shall be able to proceed on to items 2, 3, 4, 5 and 6 of the agenda where some progress would be possible in order to improve relations with Argentina. My impression is they find that attitude very reasonable.

Chairman

435. Ambassador, we have learned in delving into the past and looking at the legal rights that Uruguay also has a respectable legal claim to the Falklands Islands. Does she push that at all?
(Mr Wallace.) No, but it is referred to frequently in conversations with the British Ambassador, whoever he may be at any time, because it was of course before the declaration of Argentine independence, when Montevideo was virtually the port

[Chairman *Contd.*]

for Buenos Aires, that there was an office —the building still stands—which was the Maritime Administration of the River Plate and of the Falkland Islands. Many Uruguayans, I admit half-humorously, insist that their claim to the Falklands is better that the Argentinians'.

436. Have we failed to ask you any question which you would like to explain?

(Mr Wallace.) I am very grateful, Mr Chairman. There is one particular point. I am very conscious of my own role in the events and I would like, with your permission, to refer again to this very good book which is very comprehensive.

437. Is it in Spanish?

(Mr Wallace.) It is in Spanish, but I would like to translate, if I may, one of the telephone conversations which is not quoted in the book by Mr Desmond Rice and Mr Gavshon. This is one of the appendices which is on page 344—Appendix 10. It purports to be a conversation which took place between Dr Arias Stella and Dr Costa Mendez on the morning of the 3 May 1982. Leaving aside the usual greetings and so forth—Dr Arias Stella went on to inform Costa Mendez as follows: "I want to tell you, in addition to reiterating my solidarity and my compliments, Minister, the news that this morning very early the Ambassador of England in Peru has transmitted to me. We, as you know, have been—the President—in contact with the Secretariat of the American Department of State, but not directly with England. Therefore, this message which has been transmitted to us may be interesting for any subsequent evaluation you may make. He has told me as follows. First, he is very grateful for the intervention, the intention of Peru, and he believes that Peru can continue helping—that is what he said. In the second place, that is the official message of the Government to our Ministry of Foreign Affairs. The local Ambassador has told me—now this is my own affair, but it is not in the message that I have to transmit, which is only the first part—"I wish to tell you that in my view what England needs is more time in order to analyse this proposal at the corresponding levels". And the last thing that they (sic) told me "the door is not totally closed within the framework of what has been proposed".[1] Now the fact that Dr Arias put these words into my mouth could be again Peruvian diplomacy at work, for which I have the highest regard. Nonetheless I think it is fairly conclusive, if not absolutely, in its references to the fact that this is the first direct contact which had taken place with the British.

Chairman: Ambassador, we are very grateful to you. You have taken a great deal of trouble to come and help us with this matter and we are very grateful to you. Thank you very much.

[1] *Malvinas—La Trama Secreta (The Secret Web).*

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FOREIGN AFFAIRS COMMITTEE

Session 1984–85

THE EVENTS SURROUNDING THE WEEKEND OF 1–2 MAY 1982

MINUTES OF EVIDENCE

Wednesday 5 December 1984

Admiral of the Fleet Lord Lewin, KG, GCB, MVO, DSC

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WEDNESDAY 5 DECEMBER 1984

Members present:

Sir Anthony Kershaw, in the Chair

Mr Dennis Canavan
Mr Robert Harvey
Mr Ivan Lawrence
Mr Jim Lester
Mr Ian Mikardo
Mr Norman St John-Stevas
Mr Nigel Spearing
Mr Peter Thomas
Mr Bowen Wells

ADMIRAL OF THE FLEET LORD LEWIN, KG, GCB, MVO, DSC, a Member of the House of Lords, attending by leave of that House, examined.

Chairman

438. Lord Lewin, we are grateful that you should have come to see us and help us with our inquiry. As you know, we are inquiring about the sinking of the *Belgrano* and, being the Foreign Affairs Committee, the main purpose of our inquiry is what impact the sinking of the *Belgrano* had on the diplomatic efforts to achieve a peaceful solution of the Falklands conflict. I am afraid our questions necessarily will stray nevertheless into the military sphere, but we will try not to go too far down that road in so far as those kinds of details might not illuminate our own purpose. Could I ask you first this: you have been frequently described in the media as having been a member of the so-called War Cabinet during the Falklands conflict, is that really correct or were you in attendance at meetings of the War Cabinet in your role as Chief of the Defence Staff? Secondly, to what extent did you regard yourself as a party to the decisions taken by the War Cabinet?

(Lord Lewin.) The second is, of course, the case, Mr Chairman. I am not eligible to be a member of a Cabinet committee. I was in attendance and, in fact, to the best of my recollection, I attended every single meeting of what was known as the War Cabinet, the OD(SA). If I could just elaborate a little, at the very first meeting a Government objective was set which was to cause the withdrawal of the Argentinian forces from our possessions, South Georgia and the Falklands, and to restore British administration and to achieve this in three main ways: political, economic and military. I saw my role as advising Ministers on the military options that were available to them and in particular making sure that they were aware of the threat to the safety of our own forces and the measures that could be taken to minimise those threats. With regard to responsibilities for decisions, I think I would say that I was responsible for the military advice and stood by the correctness of the military advice, but the decisions were entirely a matter for Ministers.

439. To what extent did you regard yourself as the link man between the War Cabinet and Northwood and how did that relationship operate in practice?

(Lord Lewin.) I considered myself the only link between the War Cabinet and Northwood through, of course, the Ministry of Defence. Perhaps I should elaborate a little on the organisation of the Ministry of Defence. We had changed my responsibilities a few weeks before the Falklands were invaded and from being the collective head of the Chiefs of Staffs Committee I had become the prime adviser to Ministers in the Cabinet and I was responsible for seeking the advice of my colleagues, taking their views into account, then presenting my own views as the views of the Department. This made quite a difference to the way in which things were conducted. So my role in the Ministry was to co-ordinate the views of the three Services and their Service Chiefs and to co-ordinate their actions. This being so, I insisted that the only link with the Commander of the Task Force, Admiral Fieldhouse, who was Commander of all

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[Chairman *Contd.*]

three Services (he was a tri-Service commander), should be through me and my office; he could not get people coming at him from all directions. If the single Services wanted to get to the Commander of the Task Force, they went to the three Deputies, the Land, Naval and Air Deputies who were their Service links with Northwood. So that, if Ministers took a decision, then I would translate that into an objective and pass it to Northwood.

440. I think you said that so far as you recollect you attended all the meetings of the War Cabinet?

*(*Lord *Lewin.)* Yes.

441. Presumably, therefore, you had no deputy, or no deputy ever acted for you?

*(*Lord *Lewin.)* No, but if it was necessary to deal with deep single-Service professional matters then I would take with me that Chief of Staff on that occasion and, if there was a matter of major decision (for example, the decision whether or not to land and attempt to repossess the Falklands), then all three Chiefs of Staffs came and each had an opportunity to say his piece because it was his men and his forces that were being involved, and I would then sum up and give an overall view at the end. There was, I think, only one occasion on which all the Chiefs of Staffs attended, but there were three or four more occasions on which one of the Chiefs of Staffs attended because there was a matter which particularly affected his Service. For example, on the decision to use the Vulcan to bomb the runway at Stanley Airfield, the Chief of the Air Staff came with me to that particular meeting of the War Cabinet.

442. I wonder if you could describe the agreed or perceived role of the War Cabinet itself? Was it regarded by you and by everybody as the body in charge of the conduct of the war or merely as the final arbiter in cases where you and the other senior military officers felt the military decisions required political endorsement?

*(*Lord *Lewin.)* No—entirely the body responsible for the conduct of the war—if you could define when the war started. You see, there was not a war and after the invasion of the Falklands the first campaign was political, to reach a negotiated settlement; and the balance between those three means of applying pressure which I explained at the beginning—the political, military and economic—changed as time advanced.

443. You described that you were the only contact between Northwood and the War Cabinet. Is there anything to be said about the War Cabinet's responsibility and contacts with the Ministry of Defence as such or were you the Ministry of Defence, in effect?

*(*Lord *Lewin.)* Oh, no. The Secretary of State was the Ministry of Defence. He, of course, was a member of the War Cabinet and so he was responsible for the Ministry of Defence view in the War Cabinet, and I was his adviser.

Mr Mikardo

444. Lord Lewin, on this relation between the political and the military, you will recall that on 3 April 1982 Sir John Nott said that preparations for dealing with the Argentine's challenge had been going on for weeks. It is reported that in an interview you gave you said that was quite untrue, it was a party political thing during the debate. Do you still adhere to that view?

*(*Lord *Lewin.)* I think, Mr Mikardo, you should discount anything that I am quoted as saying because I have been widely misquoted. We made no military moves to counter an Argentine invasion in the Falklands before the scrap metal merchants hoisted the Argentine flag at Leith on 23 March. I am guessing at the date but this was the first thing that happened in this whole episode. Before that the South Atlantic had not been a potential trouble-spot.

445. That does confirm, does it not, that you (I do not want to put it unkindly) are a bit sceptical about Sir John's statement that on 3 April preparations had been going on for weeks. You say there had been none before 23 March?

*(*Lord *Lewin.)* It depends what you call "weeks". There were two weeks, in fact, between then and the time of the invasion. On the day that we heard about the landing of the scrap metal merchants we did, in fact, sail the *Endurance* from Port Stanley towards South Georgia and, since the *Endurance* flies the White Ensign, I suppose one could call that a military move. That was the first military move, to sail one of Her Majesty's ships—you could hardly call it a warship although it did have a platoon of Royal Marines on board, so to

[Mr Mikardo *Contd.*]

that extent you could call it a warship.

Mr Lester

446. Could you then explain to us the purpose of the Maritime Exclusion Zone announced on 7 April and the Total Exclusion Zone announced on 28 April?

*(*Lord *Lewin.)* Certainly. As time passed from the invasion the first initiative was political in the United Nations and Mr Haig's shuttle to negotiate a settlement; we wanted to indicate to the Argentinians our determination to carry this issue further if negotiations did not succeed as part of the political pressure. Military means open to us were very restricted. The Task Force had only just sailed and it took three to four weeks to get there. The Argentines meanwhile were engaged in a massive reinforcement of the Falklands. The number of men was stepping up from 2,000 in the first place and we had reports of 5,000, 7,000, 10,000 and ultimately 12,000. At the same time they were putting in weapons, artillery, munitions, surface to air missiles, air defence warning radars, aircraft, Pucara aircraft, and we were extremely concerned that they might put in the equipment to extend the runway at Port Stanley, which would enable them to operate jet fighters from the runway which clearly, if we had to do a military task, would make it very much more difficult. All these were military concerns. We wanted to do something about it to stop this reinforcement. The only means open to us was a nuclear submarine which had sailed early and could reach the area of the Falklands on 12 April. Our nuclear submarines have limitations; because in international law you cannot attack a merchant ship without first stopping it and warning it and inviting it to reverse its course, a nuclear submarine would have to surface and a nuclear submarine on the surface is extremely vulnerable to air attack or indeed to surface attack and they never surface in proximity to the enemy. So all that a nuclear submarine can do is to attack warships and naval auxiliaries which are naval manned and flying the naval ensign. So the only thing we could do was to establish what we called—and we searched for words—a Maritime Exclusion Zone which was a 200-mile circle based on a geographical point within which any Argentinian warships or naval auxiliaries would be sunk without warning. Now, this included in fact submarines. We included submarines within the definition of warships. The Maritime Exclusion Zone could obviously not stop reinforcement because merchant ships could still go in and aircraft could still go in; so its effect was more psychological than military. With the announcement of the Maritime Exclusion Zone there was, of course—I am sure you are familiar with the terms of it—the reservation that we reserved the right to take action under Article 51 in self-defence. The Total Exclusion Zone: when the Task Force arrived within the range of the Falklands we then had the capability to do better with the interdiction of reinforcements because surface ships can stop merchant ships and invite them to turn round and, if they did not stop, fire across the bows; if they still do not stop, fire a shot to do minimum damage; if they still do not stop, sink them. All this is well established in international law. Aircraft can do the same with civil aircraft. There are internationally recognised signals which invite the aircraft to turn round; if it does not, you can then shoot it down. So we could now apply a Total Exclusion Zone to all ships and all aircraft, military or civil, of any nation—not just the Argentinians, any nation—and we made it specific that this applied to those ships which might be assisting the illegal occupation of the Falklands, and I am sure again you are familiar with the terms of the announcement. We also announced that this would apply to aircraft on the ground in the Falklands because we wanted the opportunity to reduce the number of aircraft there in case we had to take military action, and we also announced that the airfield was closed. This was intended to discourage people from using it. This Total Exclusion Zone was unlikely to be effective against aircraft. We had only 22 Harriers. They could not maintain a continuous air patrol over Stanley airfield. They were needed for the air defence of the Task Force at a later stage (if, indeed, it reached that stage), and they might later be needed for the ground support of forces who landed. So Admiral Woodward was extremely keen to conserve his Harriers. Of course, at that time we had no experience of their operational availability; we did not know how long we were going to keep them serviceable. For *that* reason, Ministers agreed a plan to try to put the runway out of action by bombing it. This led to the attack by the Vulcan. I believe that that covers the reasons for the Total Exclusion

[Mr Lester *Contd.*]
Zone.

Mr Mikardo

447. Lord Lewin, do you know of any previous use by any country of the term "Total Exclusion Zone"?

(Lord Lewin.) I have not researched it, but I know examples of exclusion zones. For example, the Russians quite often declare exclusion zones because they are carrying out an exercise. I think that we chose the word "Total", and there was quite a lot of discussion about what you call this. We applied the word "Total", because we wanted to put psychological significance to it. We meant that nothing must come inside this circle. But the establishment of exclusion zones is quite a common practice in international law.

448. Is not a Total Exclusion Zone *de facto* a blockade called by another name?

(Lord Lewin.) Certainly.

449. In that case, did you call it by another name because a blockade without a declaration of war, as I understand it, is in breach of international law? So was it a fact that you got out of the breach of international law, by calling a spade a shovel?

(Lord Lewin.) I think you would have to ask an international lawyer (which I am not). Of course, I did not call it a Total Exclusion Zone, the War Cabinet did. But my opinion is that it is certainly true that you cannot have a blockade unless you have a state of war, and if you have a state of war (which we did not have, because the Argentinians had not declared war, and we were the aggrieved party and we had not declared war, but if you do have a state of war), then there are a number of other collateral actions which you have to take. I am sure you are more expert on that than I am.

Mr Spearing

450. Can I underline the factors affecting the determining of the choice of 200 miles? They would presumably be political and military. Was the political factor related to internationaal waters and territorial waters?

(Lord Lewin.) Ultimately, yes. We considered quite a range of distances. If I could just make this clear (it is going to come up later anyway), I have already said that the zone was a radius of 200 miles about a geographical point. The Falklands, as we have said many times, are the size of Wales, so there are points of the Falklands that are only 100 miles from the edge of the Exclusion Zone. We wanted enough room between the edge of the zone and the safe haven of a port in the Falklands to be able to signal to a merchant ship, invite it to stop, chase it if it did not stop, fire a shot across its bows, continue to signal to it—all these sorts of actions. Our experience in fishery wars has shown us that this takes quite a lot of distance. We would, I suppose, have liked more militarily, but the significance of a 200-mile zone which certain nations claim as the breadth of territorial waters, was relevant but of course was not what we were establishing. If you established a 200-mile territorial zone round the Falklands, it would be a very funny shape, it would have been impossible to define, and you would have arguments "Am I inside or am I outside?". If you draw a circle, it is cut and dried.

Mr Lester

451. Although both measures, as you have said, were taken without prejudice to our rights of defence under Article 51, to what extent did the Rules of Engagement and other instructions issued to the commanders of the surface vessels and the submarines differ from the terms of the announcement of the Maritime Exclusion Zone and the Total Exclusion Zone? In other words, what was the relationship between the Rules of Engagement and the announcement on the zones?

(Lord Lewin.) The Rules of Engagement allowed the commanding officers to implement the zone (in other words, to take the action which was indicated in the public warning).

452. So that they just reinforced the statements on the Total Exclusion Zone?

(Lord Lewin.) Yes. Rules of engagement are highly technical, as I am sure you have established. Would it be useful for me to go on about Rules of Engagement?

Chairman: No, in so far as they do not have much bearing on foreign policy, I do not think we do.

Mr Lester

453. Despite the far-reaching public warning issued to the Argentinians on 23 April, it appears that at least some of the Argentine authorities regarded the

[Mr Lester *Contd.*]
announcement of the Exclusion Zone as an indication that UK forces would not attack Argentine vessels outside the zones, unless they were taking overtly hostile action themselves. Do you think that that is an understandable interpretation of the purpose of the "Exclusion" there?

(Lord Lewin.) No, I do not. I cannot understand it at all, and I doubt whether in fact any of the military authorities in the Argentines ever had that interpretation. They may well have produced that interpretation after the war, but I think that at the time the warning of 23 April (which I would like to have an opportunity to expand on) was crystal clear to any military commander.

Mr Thomas

454. The warning on 23 April, Lord Lewin, according to a letter which was sent from the British Permanent Representative to the United Nations and addressed to the Security Council, reads as follows: "In this connection HM Government now wishes to make clear that any approach on the part of Argentine warships, including submarines, naval auxiliaries and military aircraft, which could amount to a threat to interfere with the mission of the British forces in the South Atlantic, will encounter the appropriate response." Those were the words that we used. In your view, does not that clearly indicate that any threat to the Task Force, even though it were outside the Total Exclusion Zone, would be met with an appropriate response?

(Lord Lewin.) Completely. If I could repeat your words (and people very often miss them out): "a threat to interfere with the mission of the British forces"—not "to interfere with the British forces", "to interfere with the mission of the British forces". Could I expand on this 23 April warning?

455. Yes.

(Lord Lewin.) As the Task Force sailed south from Ascension, we had to consider the risks that they were encountering as they got closer to the Argentinian mainland. There was risk of attack from Argentinian shore-based aircraft. They had Canberras which had a radius of action of 700 miles. From submarines, they had two ex-American patrol submarines which were designed for the very business of operating on trade routes and had more than adequate range to position themselves on the route of the Task Force as it sailed south. We considered the two smaller submarines a much lesser threat; we considered they would be much more likely to be stationed within the Total Exclusion Zone. But the patrol submarines were a great worry to us. We had the threat of carrier-borne aircraft. The Skyhawks on the carrier had a radius of action of 500 miles. The carrier only had to come out 300 miles and if you were 800 miles away from the mainland, you could still be under attack. They had Super Etendard aircraft equipped with Exocet. We were not clear whether they had yet been cleared to fly from the carrier, but we had to take into account that they might have been. They had a radius of action of 350 miles and double that if they were in-flight refuelled. We knew that they had the capability of in-flight refuelling. Lastly, they had surface ships armed with Exocet which has a range of 20 to 30 miles and could be fired from over the horizon before you could see it. With the Argentinian action in invading the Falklands, we clearly had to take into account that any of these ships or aircraft might fire first. We could not wait for them to fire first, because if we did our ships would be hit, such is the accuracy of modern missiles. As we went south from Ascension, we only had maritime reconnaissance out to a range of about 1,000 miles maximum. The Nimrods at that time were not fitted for in-flight refuelling, and that was their radius of action. So beyond the 1,000 miles of Ascension (and that left 2,500 miles to go), the Task Force limit of reconnaissance was the radar horizon (about 20 miles) or the range which could be reached by helicopters or by Harriers. Helicopters were needed for anti-submarine warfare; they were patrolling all the way down against the threat of attack by submarines. Again, as I have already said, the Task Group commander wanted to conserve his Harriers for much more important things later on. So we felt very worried about the vulnerability of the Task Force as it went south. After putting all these points to Ministers over quite a considerable period (two or three days), we obtained approval for Rules of Engagement which allowed our ships to defend themselves against warships, aircraft and submarines who were intent on interfering with the mission of our force by approaching it. That was the background to the warning of 23 April. To add to that, we had, on 21 April, been reconnoitred by

[Mr Thomas *Contd.*]

an aircraft which was detected by radar, and when a Harrier was sent up to intercept it it was identified as an Argentinian Air Force Boeing 707, a transport aircraft, but an Argentinian Air Force aircraft with "Argentine Armada" on the side. Our appreciation, from its movements, was that this aircraft was engaged in reconnaissance of our force and could well be passing the position, course and speed to a submarine which lay in the grain ahead of the force. So we also got approval that any civil aircraft or military aircraft which was engaged on reconnaissance would also be treated as hostile. That of course was included in the warning on 23 April. So we had approval, after 23 April, if we intercepted that Boeing 707 again, to shoot it down.

Mr Mikardo

456. In the passage which Mr Thomas has read out from a letter to the United Nations, HM Government reserves unlimited freedom to take action in respect of any threat to the mission of the British forces. That being so, since that applied outside any exclusion zone as well as inside it, what was the difference between the powers that HMG were taking inside the Exclusion Zone from those they were taking outside it? If the answer to that is that there was no difference, what was the purpose of the Exclusion Zone?

*(*Lord *Lewin.)* It was political. You must remember that at this stage negotiations were still in progress, and it was the political arm of the three-pronged trident of pressure which was predominant. We did not want to prejudice negotiations by some unexpected action. So it was felt in the War Cabinet that we had to give a more explicit warning not only to the Argentinians but to the international community, so that if we *did* have to take action under Article 51, this would be pre-explained in rather more detail.[1]

Mr Spearing

457. Can I take you back to something you said a little earlier, Admiral? You said the operation was in various phases and I think you said it was politcal, military and economic. At what stage did you regard the political phase to have concluded? Was that at the failure of the Haig proposals?

*(*Lord *Lewin.)* There is no clear cut-off. There were these three areas of pressure and the emphasis between them changed as time went on. When the Haig negotiations failed, clearly the importance of the political went down and the importance of the military came up; but it would be very difficult to weigh all these in the scale.

458. But you would agree all hopes of political settlement and a successful withdrawal of Argentine forces had not been eliminated?

*(*Lord *Lewin.)* Certainly not.

459. I think there was a meeting of the War Cabinet on 30 April—a formal meeting—and there was some discussion on the Rules of Engagement, is that correct?

*(*Lord *Lewin.)* On 30 April?

460. Yes.

*(*Lord *Lewin.)* Yes, there was.

461. Were you seeking an extension of the Rules of Engagement you have just outlined?

*(*Lord *Lewin.)* Yes.

462. Can you tell us in very broad terms?

*(*Lord *Lewin.)* I have already explained that as the Task Force went further south the threat to it increased; because of the shape of the South Atlantic and the position of the Falklands you have to get closer to the Argentine mainland. All through that week at operational briefings I was briefing the War Cabinet on the activities of the Argentine Navy, our estimated position of them, the threat that they posed. Now, as we got even closer to the Falklands, the threat from the carrier with its aircraft with a range of 500 miles became more serious, and it would have been possible for the carrier to have come out of the River Plate—a distance of 150 miles or so—launch its aircraft and attack our ships without warning. Now, to this extent you can treat the carrier aircraft as a missile with a longer range than the Exocet and so the carrier was a unique threat and, after considerable discussion over a number of days and as the threat got stronger as we got closer, Ministers agreed that this was a threat that they could no longer ignore and gave approval for the carrier to be attacked

[1] *Footnote by witness:* The main difference between the Total Exclusion Zone and the warning of 23 April was that the former applied to all ships and aircraft, military and civil, of all nations, whereas the latter applied only to military ships and aircraft, and to civil aircraft engaged on reconnaissance of our forces.

[Mr Spearing *Contd.*]

if it was detected by a nuclear submarine. I should now explain that as the Task Force went south we were worried about the lack of reconnaissance; we took the nuclear submarines out of the Maritime Exclusion Zone and changed their role to one of reconnaissance. Now, submarines are allocated patrol areas to which they must stick because of the risk of underwater collision if they depart from them. We knew from the patrol area which had been allocated to the submarine to the north of the Falklands that, if it detected the carrier, the carrier was in fact in the position to attack our Task Force. So Ministers could reassure themselves that the military were not going to attack the carrier in some embarrassing position just outside its own front door: if it was detected by the submarine it was, one could say (I hesitate to use this word "immediate", how do you define it?), in a position to launch its aircraft to attack our ships.

463. I think a colleague of mine may wish to follow that up in a minute because I think we all understand the exceptional position of *25 de Mayo*, but you mention other embarrassments. Can you tell us the political constraints on 30 April which contained an even further and maybe desirable extension of the Rules of Engagement? I presume they were put by Mr Pym or maybe Sir Michael Havers on that occasion?

*(*Lord *Lewin.)* I am not quite sure I understand you, I am sorry.

464. I will repeat the point. We understand the point about *25 de Mayo*, and I think a colleague of mine may wish to pursue that in a moment, but you correctly pointed out there were other political considerations still extant which would prevent at that stage, although it came later, a further extension of the Rules of Engagement within the terms of 23 April. Can you tell us your understanding of what those restraints were and if they were put by Mr Pym or Sir Michael?

*(*Lord *Lewin.)* I will separate the two. The constraint was that, although our intelligence appreciation was that the Argentines intended to attack our ships as they got close to the Falklands, we had no confirmation of this and Ministers were very reluctant to authorise too overt a military action on our part until the Argentine intention, which we were pretty sure of, had been demonstrated.

Mr Harvey

465. Could you briefly describe to us the mechanism by which the need for new Rules of Engagement was assessed and authority granted for those changes? Who proposed the Rules of Engagement and who approved them?

*(*Lord *Lewin.)* Certainly the need for changes in the Rules of Engagement was a military matter. As we assessed the threat to our ships, the danger that they were in, it was up to us to represent to Ministers that we felt exposed. It could come from the Service Chiefs of Staffs or it could come from Admiral Fieldhouse or it could indeed come from Admiral Woodward. It was then my responsibility to represent this concern to Ministers and get their approval for measures which would reduce the threat. Rules of engagement are written in a book. There is a NATO book and there is a British annex. As I have said, they are highly technical. They exist all the time and, as you obviously are aware, there are Rules of Engagement in force today for the private in the Falls Road, for the aircraft on air patrol north of the Shetlands, for the little ship which is on fishery protection, and the commanding officers of those aircraft or patrols know exactly how far they can go. Commanding officers are very familiar with Rules of Engagement because we use them in NATO exercises and we use them when we are being harassed by Soviet warships—that is not so common now, but it used to be. So they understand these things. I discovered quite early on to put Rules of Engagement to Ministers in the form in which they are written in the book was counterproductive; they were too difficult to understand for people who are not familiar with them. I am not denigrating Ministers' understanding, but they are written in that sort of way. So it was necessary to put them in a political way. We also discovered that we would get approval for Rules of Engagement much more readily if we gave advance warning and if Ministers had had time to consider, consult and understand. And so I used a committee which we called familiarly "the mandarins' committee" which was chaired by the Secretary of the Cabinet and consisted of the permanent under-secretaries of the Ministers in the War Cabinet, and we were convened on my request at, say, 5.30 or 6 o'clock on the evening before. I would brief the permanent under-secretaries on what steps

[Mr Harvey *Contd.*]

we were likely to require tomorrow or the next day and they would have time to go away, consult their experts, brief their Ministers, so that when I asked for the Rules of Engagement the next day and explained it Ministers knew what I was talking about. Does that answer your question fully?

466. Every change in the Rules of Engagement had to be approved by the War Cabinet as a whole?
(Lord Lewin.) Absolutely.

467. Were there any occasions when the Rules of Engagement were not approved by the War Cabinet?
(Lord Lewin.) Certainly not. I think this will become clear when we get to the actual circumstances of the *Belgrano*.

Mr Lawrence

468. I think the public may be confused about the meaning of the Rules of Engagement in relation to the meaning of the warning which is the Exclusion Zone warning. The warnings were given, were they not, to make absolutely clear to the Argentines that any of their fleet or aircraft, as you have described, would have action taken against them if they came within a certain area and that was public for all the world to see through the United Nations and by a direct letter to Argentina?
(Lord Lewin.) Do you mean the TEZ?

469. The Exclusion Zone, whether Total or Maritime. The Rules of Engagement are just domestic instructions to commanders as to how to deal with the threat if it arrives; they are never made public?
(Lord Lewin.) No, a secret document.

470. Therefore, it cannot possibly be said that the Argentine commanders would have understood any changes in the Rules of Engagement to affect in any way the warnings?
(Lord Lewin.) No. They had had the warning and the warning encompassed the Rules of Engagement.

471. But you do understand what I am suggesting?
(Lord Lewin.) Yes, I do.

472. Some people, I think, seem to believe when you change the Rules of Engagement you are in some way limiting the extent of the warning, but the two are totally separate?
(Lord Lewin.) Completely.

473. The Rules of Engagement are never made public?
(Lord Lewin.) No.

474. You even have difficulty in making them understood to Ministers, however bright they are!
(Lord Lewin.) Yes. We never had Rules of Engagement which went beyond the scope of the public warnings.

Mr Mikardo

475. Could I ask about this meeting of the mandarins you were telling us about which, as I understand it, took place late afternoon every afternoon?
(Lord Lewin.) As required.

476. Why was there not a meeting of the mandarins on 1 May when the *Belgrano* was being tailed and when it was known that it would require a change in the Rules of Engagement to sink the *Belgrano*? Why was there not a meeting of the mandarins on that most critical day?
(Lord Lewin.) You are jumping to another event. Because the change in the Rules of Engagement to allow the *Belgrano* to be attacked was not a change in principle. The decision on the change in principle had already been taken. It was only a change in degree and it would not have needed a meeting of the mandarins. The Ministers would understand because we had been through all the business of the threat and particularly in the discussion with the Rules of Engagement to attack the *25 de Mayo*. Again by the time we got to 2 May, which is when the decision was taken to allow the *Belgrano* to be attacked, the whole surrounding circumstances had changed and we had been attacked. We had bombed the runway. I am sure we will come to that in a moment.

477. But even if the difference was one of degree and not of kind, it was a difference between Rules of Engagement which entitled a commander to sink the *Belgrano* and Rules of Engagement which did not so entitle him. That, whether it is of degree or of kind, is a major change and one would have thought that this committee of mandarins through whom you were briefing Ministers on the need for change, the nature of change, the consequences of change, would have met on that critical day above all when what was happening was a preparation, a clearing of the way, for the sinking of the *Belgrano*.

[Mr Mikardo *Contd.*]

(Lord Lewin.) I think we are approaching this particular decision in a rather roundabout way. In the first place, it was not known in Whitehall that the *Conqueror* was in touch with the *Belgrano* until 2 May, the morning of 2 May. This was a Sunday. The mandarins were not in their offices, the mandarins were in fact going to Chequers. This was an enlargement of the War Cabinet and there were present most of the permanent under-secretaries who would have been needed though they were not, in fact, brought into the decision making. But it was a matter of the surrounding circumstances which affected the way in which the decision was taken on 2 May.

Chairman: I wonder if we could pause there because we come suddenly, as you say, into something rather different. Mr Spearing, you have a question on the previous matters.

Mr Spearing

478. Thank you, Chairman. I hope it will be helpful if, after that very useful information on the mechanism for Rules of Engagement, I return to the events of 30 April. I think, Admiral, if you will confirm this, you did say there was a request for further changes of Rules of Engagement which were not approved on that day, and we were—
(Lord Lewin.) No, I did not say that.

479. I beg your pardon. So you did not request further Rules of Engagement that day which were—
(Lord Lewin.) No, I only requested approval for the carrier to be attacked because we had a mounting appreciation that the Argentines were about to launch an attack on the Task Force because it was getting close to the Falklands.

480. But there were, nevertheless, political constraints to which I think you referred and it was known, was it not, that Mr Pym was about to depart the next day to Washington and New York in a possible attempt to get the solution that everybody at that stage wanted, is that right?
(Lord Lewin.) Yes.

481. Was the possibility of this being successful discussed? Had you that in mind at the time?
(Lord Lewin.) The negotiations being successful?

482. Yes.
(Lord Lewin.) No. You say Mr Pym went off to endeavour to get a further negotiated solution—another attempt at a negotiated solution. I think really you have to ask Mr Pym. This is more of a political matter. My own view, and it was only a personal view, at that stage was that there was no hope of getting a negotiated settlement.

483. But I am asking you, if you can say, the general conclusions of the meeting on that day. Was that reflecting a general view?
(Lord Lewin.) I am afraid you will have to ask Ministers. You have got the Secretary of State this afternoon.

484. So you do not recall any discussion concerning events in the United States at that time?
(Lord Lewin.) No. My own feeling was that Mr Pym was going off to New York, to the United Nations, to try to explain more clearly the British position, before we got to another level of military action. The balance was about to shift from political to military.

485. Were you aware at that time that the United States might be, on that very day, changing its expressed public policy towards the matters?
(Lord Lewin.) Yes. You see, Mr Haig had put his own proposals both to the Prime Minister and to General Galtieri, and they had been considered by the War Cabinet. The War Cabinet had, with great reluctance, agreed that he should put them to Galtieri, but without commitment of the British Government. Those proposals would indeed, I think, have been very difficult for the War Cabinet or the British Government, of all parties, to accept.

486. I am not talking about those.
(Lord Lewin.) Are we straying? We then knew that that had failed, and that Haig was going to "tilt".

Chairman: Mr Spearing, we have leapt ahead far too much and gone into other discussions. We have still got other questions which others were going to ask.

Mr Thomas

487. We have moved into 1 May, and obviously we shall be wanting to ask questions about 1 and 2 May and the events leading up to that. I was interested in the events of 30 April which was when the Rules of Engagement were changed in respect of the *25 de Mayo* (that is, the carrier). Could you say to what extent was the rule of engagement change on that date a departure from normal practice, in that it appears to have constituted a specific authority to carry out a specific military objective, rather than a general instruction to the Task Force?

(Lord Lewin.) Not really. The submarine was permitted to attack the *25 de Mayo* if it came in contact with it. Because of the submarine's patrol position, it would not come in contact with the *25 de Mayo* unless that ship was itself constituting what Ministers had been convinced was a threat to our mission. So it was not an order to the submarine "Go and sink the *25 de Mayo*"; it was an order to the submarine "If the *25 de Mayo* finds you in the patrol area which you are in, you have approval to attack it".

488. Yes, you have explained that if in fact the submarine did detect the presence of the aircraft carrier, it was inevitable that the aircraft carrier, by reason of its position, would therefore have been a threat?

(Lord Lewin.) There was a reasonable assumption that it was. We could not look into the Argentinian mind.

489. Why was the change on 30 April made only in respect of the carrier? We were told by Mr Heseltine that the changes were not made so that the escorts of the carrier could be attacked.

(Lord Lewin.) The escorts, because they were only armed with Exocet, would not be a threat until they came within about 40 miles—not an immediate threat again, a more immediate threat. It was this worry about the long range of the aircraft and the risk of an attack without warning (because we had no reconnaissance) that convinced Ministers that the *25 de Mayo* was not the same as all the other ships. She had this missile with a very, very much longer range.

490. Could I ask something which was referred to by Mr Spearing, and that is whether or not, at the time that the changes were made on 30 April, you were aware of any reservations, on the part of the Foreign Office or the law officers, about any legality of an attack on the *25 de Mayo* without further warning to the Argentinians?

(Lord Lewin.) Oh no. Of course the legal position was always taken into account before approval was given to Rules of Engagement. I know that Mr Pym and the Attorney General wrote a letter to the Prime Minister afterwards, and I think their concern was that if the submarine did find itself in a position to attack the *25 de Mayo*, in the public perception and the international-opinion perception, this might be going further than Article 51. We would then be in a disadvantageous position internationally, in having to explain why we thought this was a threat. We had convinced Ministers (and it took some time to convince Ministers), and Mr Pym, I think, reflected and said, "You know, I can now understand this, but I can quite see that my colleague in Bonn or in Paris won't understand it". He felt that our political position would be better if we gave a more specific warning about this ship, and I agree with him. But this is a political matter, not a military matter.

491. But I take it that the warning which was given on 23 April was in fact a warning within Article 51, was it?

(Lord Lewin.) Certainly.

Mr Lawrence

492. If the warning of 23 April made it quite clear that we would make an appropriate response to any Argentine warship or aeroplane that interfered with the mission, why was it necessary to have a rule of engagement which specifically required or gave power, as it were, to sink the *25 de Mayo?* Are you saying that but for the change of the rule of engagement, we would not have been in a position to sink the *25 de Mayo?*

(Lord Lewin.) The submarine commander would not have had approval. We would have been in a position—here it needs me to explain the difference between surface ships and submarines. You remember, I said that the Rules of Engagement were framed to minimise the threat to our own forces. A nuclear submarine is not at any significant risk from a surface ship; it can go fast and deep and get away; it is only if it is detected that it is at risk. A nuclear submarine is at risk from

[Mr Lawrence *Contd.*]

another submarine, particularly the small 209 class which the Argentinians had which are very quiet. So when we issued the Rules of Engagement on 23 April, it was not necessary to give approval to the submarines to attack warships, other than in the Maritime Exclusion Zone (which was where they were operating anyway). Do you understand me? I hope that is clear. So when they came outside the Maritime Exclusion Zone, although the surface ships had approval to attack Argentinian surface ships, the submarines did not, because the surface ships had approval in order to defend themselves, but the nuclear submarines did not need to defend themselves against the surface ships, because they could go fast and deep and escape.

493. Was that understood by the Argentinians? Is that generally understood by naval people?

(Lord Lewin.) Oh yes, absolutely.

494. So are you saying that the warning of 23 April would have been understood not to have applied to submarines?

(Lord Lewin.) If I had been an Argentinian admiral I would not have taken it that way; I would have considered all my ships at risk. We did not tell them that they would not be attacked by submarines, because we were trying to put military pressure to get them to see the advantage of a negotiated settlement.

495. Yes, but if we could have sunk the *25 de Mayo* under the terms of the warning, then there does not seem to be any point in having a change of the terms of the Rules of Engagement in order to enable us to do so, unless the terms of the warning that we gave are understood by our people as well as their people not to apply to the sinking of a ship by a submarine. What you are saying is, as I understand it, that the warning was so general that they must have known that their ship was at risk even from our submarines, but that nevertheless we, for our own purposes—

(Lord Lewin.) Of course, because we did not want—

496. That but for the change of the Rules of Engagement, we would not have sunk the *25 de Mayo?*

(Lord Lewin.) No.

497. Even if it had posed a threat to the mission?

(Lord Lewin.) If it posed a threat to the mission, we would have done so. That was the purpose of putting the warning out on 23 April, to give our forces adequate warning that she had emerged from territorial waters and was making an approach towards our Task Force.

498. So we had imposed upon ourselves much tighter restriction than we gave the world to understand through the warning?

(Lord Lewin.) Of course, because we did not want to prejudice the chance of achieving a negotiated settlement.

499. And there is no way in which the Argentine Navy, understanding navy talk, would have thought that that warning was in any way restricted

(Lord Lewin.) Not at all, because you can read the terms of the 23 April warning. If you were an Argentinian admiral or if you were an Argentinian air commander, you would immediately conclude that all of your forces were at risk. After all, they had committed aggression, they had started the war; they must surely have expected, as we had sailed the Task Force, that we would retaliate, particularly as we had warned and we had given a public warning on 23 April.

500. It is their perception which is important, and I think you have clarified that admirably.

(Lord Lewin.) Yes.

Chairman: Could we now move a little more specifically to 1 and 2 May?

Mr Mikardo

501. Lord Lewin, the British attacks on Port Stanley in the early morning of 1 May are well known. What knowledge did you have at the time, of hostile actions by the Argentines against the British fleet, on 1 May?

(Lord Lewin.) We had an appreciation that the whole of the Argentinian Navy was at sea. We knew broadly where they were, because we knew their base ports. We had estimated that the cruiser with her escorts would be operating from the south, and that the carrier with her escorts and all the other surface ships would be operating in the north (because that is where the base ports were). We had made an appreciation, from all our intelligence sources, that there was probably one, if not two, submarines in the Total Exclusion Zone. Again our

[Mr Mikardo *Contd.*]

intelligence appreciation was that they were at sea in order to interfere with the mission of our forces, and we expected them to take action against us. That was the background. Shall I go from there?

502. Would you accept the Argentine version that their attacks that day were in retaliation for our attacks on Stanley?

(Lord Lewin.) I think I would agree that that probably triggered it off. Could I, Chairman, read something? I have given this to your Clerk. It is an article written by Dr Scheina who is a professor of Latin American history, a specialist in Latin American maritime warfare, who went to the Argentine in September 1982 and who interviewed all the major military commanders. He writes, having talked to the Argentinians: "With the Royal Navy's task force having reached the vicinity, the mission of the Argentine force was made manifest—to find and destroy the British if they attacked the islands or mainland." Now that was our appreciation, and many, many months later it was confirmed. We got it right. But I agree with you that it was the arrival of the Task Force in the vicinity, the imposition of the Total Exclusion Zone and the attacks on the airfield at Stanley which probably caused them to order their attack.

503. Lord Lewin, can you confirm when the abortive Exocet attack on the British Fleet took place?

(Lord Lewin.) It was either the 1st or very early on the 2nd, and sources differ. Lombardo is quoted as saying the 1st. You are talking about the Super Etendard Exocet attack which failed to make its in-flight refuelling rendezvous and returned. It was certainly, from all sources, before the *Belgrano* was attacked.

Mr Thomas

504. Mr Heseltine said 1 May.

(Lord Lewin.) Yes, I thought it was the 1st. I have seen another source which says it was early on the 2nd, in fact, one of these articles by Dr Scheina, but even Argentinian sources differ on this. All I can say is that I know of no source which suggests it happened after the *Belgrano* was attacked which was of course, late on the 2nd.

Mr Mikardo

505. Were you aware on 2 May of Admiral Lombardo's order to withdraw the Argentine Fleet to home waters on that day? If not, when did you learn about that order, and what was then your understanding—and is it still your understanding now?—of the purpose of that order?

(Lord Lewin.) I first of all was not aware of it on the 2nd. I should have said at the beginning that I gave up my job on 1 October 1982 and I have not had access to documents since then and I speak from memory. My recollection was that it was part of the intelligence material which was available on the 3rd, but I could be wrong—it could have been the 4th. It was in this form, "We believe that the Argentine forces have now been withdrawn to their mainland" but we had no knowledge of this on the 2nd. You might at some later stage want to talk about how intelligence is gathered; you might not.

506. I think we are coming to that. I have one particular question on that which is, are you satisfied that intelligence information was reaching you, and therefore reaching Ministers, quickly enough, as quickly as might be, during that period? Have you got any comment to make on the machinery for translating intelligence intercepts into coherent assessments for Ministers and for military commanders?

(Lord Lewin.) I thought that the work of the defence intelligence staff during the campaign was outstanding. I have no knowledge of any hold-up of raw intelligence reaching the people who needed it, who are the operational commanders, and the intelligence appreciations which were prepared were speedy and, with hindsight, were extremely accurate. Again you talked about Lombardo's withdrawal. The appreciation I got on either the 3rd or 4th was that the carrier had had some engine trouble and she had been unable to get enough wind over the deck to launch her aircraft and for that reason she had been withdrawn until either the repairs were made or there was more wind. If I could again quote from Dr Scheina, who is interviewing Lombardo, page 106, "The fleet maintained its course . . ." ". . . a Skyhawk carrying three 500-pound bombs would have had a radius of only 70 miles;"—I would dispute that, I think it was more than that. "The fleet maintained its course towards the British position, but the wind continued to be too light to permit an air attack." Lombardo "then ordered the Argentine fleet to return

[Mr Mikardo *Contd.*]

to safer waters in order to wait for more suitable weather." He had not given up his intention to attack, he had just been thwarted because there was not enough wind to launch the aircraft. That was 1 May.

507. If he had ordered all his ships back home—

(Lord Lewin.) Not home, sir—withdraw to safer waters to wait for better weather. There has never been any suggestion they were recalled home from any source —other than those who are misinformed!

Mr St John-Stevas

508. Could you tell us, Admiral Lewin, when the *Belgrano* was first sighted by *Conqueror*?

(Lord Lewin.) Again I am speaking from memory and these sort of exact details were not necessarily reported to Whitehall. I believe it was late on the afternoon of 1 May.

509. When did the *Conqueror* signal the sighting?

(Lord Lewin.) She took some time to clear the signal. I believe it got to Northwood about midnight on the 1st.

510. Midnight on 1 May?

(Lord Lewin.) Yes.

511. Who requested the change in the Rules of Engagement that related to the *Belgrano* and how was the request expressed? Was it, in fact, a request for permission to attack the *Belgrano* or for a general extension of the Rules of Engagement for submarines?

(Lord Lewin.) The fact that the *Conqueror* was in touch with the *Belgrano* was reported to me on the morning of the 2nd with a request by Admiral Fieldhouse, Commander of the Task Force (he and I spoke on the telephone many, many times a day), that the Rules of Engagement should be changed to allow the *Belgrano* to be attacked. He told me that not only was this his view but that Admiral Woodward had signalled during the night that he was concerned about the position of the *Belgrano* and wished the Rules of Engagement to be changed so that it could be attacked because it was threatening his ability to do what he had been told to do. This was my own coincidental conclusion as soon as I knew that the *Conqueror* was in touch with the *Belgrano*. Putting this together with the events of the day before, then I knew that it was my duty to ask for a change in the Rules of Engagement. Shall I go on from there?

512. Could you answer the other question as to whether it was a request for a change to cover an attack on the *Belgrano* only or for a general extension?

(Lord Lewin.) No, it was a general extension and I think I should explain the reasons why it was a general extension. This, Chairman, would take me through the events of 1 May and the effect that had in all our minds and our intelligence appreciation. As you will recall, we attacked the airfield with the one Vulcan, there was a raid by Harriers on the airfield and on airfield installations, followed in the afternoon by a bombardment by a group of ships on airfield installations. The ships were then bombed. The *Glamorgan* was near-missed with a 1,000 lb bomb either side of its quarterdeck. The *Arrow* was strafed with cannon fire and had superficial damage, one seaman wounded. In the air battle one Mirage and one Canberra were shot down by Harriers and one Mirage was shot down by Argentine ground fire. We detected an Argentine submarine in close proximity to our ships in a position to torpedo them. It was confirmed as a submarine and hunted for something like 20 hours. So we knew there was a submarine near our ships. That is all we knew at the time. We now know, of course, that the carrier had tried to launch her aircraft and failed, the Super Etendards had launched to attack and had failed and the submarine had, in fact, fired a torpedo which failed to hit. We did not know that at the time. We know that now. That was all on 1 May. We also know, of course, that that evening the *Conqueror* after a long stalk of a sound contact which he thought was the *Belgrano*, but did not know, had put up the periscope and identified the *Belgrano*. She then had to wait some time before he cleared her signal. I have covered the reception of the signal. You all woke up on 2 May and I am sure you switched on your radios and listened to the BBC News when you heard the BBC reporting that the Argentine official spokesman on television and radio had that night reported that they had attacked a carrier and severely damaged her and set her on fire; that they had hit other ships and sunk one, and they had shot down ten Harriers. This was the Argentine

[Mr St John-Stevas *Contd.*]

official spokesman on the news which was in the evening of 1 May, which was the middle of the night our time, and I checked with the BBC: this was, in fact, carried on the morning news bulletins. So you can imagine what all of you felt like and what Ministers felt like and this is important because it affects people's decisions. As far as we were concerned, it confirmed our intelligence assessment of the Argentine's intentions, that they were out to attack our ships, they had done so, and their official spokesman was claiming they had done so and that they had had some success —which fortunately they had not had. This is the change in circumstances which I referred to in answering you, Mr Mikardo. Admiral Woodward's mission, now he had arrived, was twofold. He had to enforce the Total Exclusion Zone, with all that that implies in stopping merchant ships, sinking warships, shooting down aircraft that are landing on the airfield, closing the airfield. That was his job. The other part of his job was because we could see, because of the state of negotiations, that we might ultimately have to *land* on the Falklands and persuade the Argentinians that they had to withdraw their forces, as they had been ordered to do by the United Nations, the other part of his mission was to prepare for a landing with a view to re-possession. In order to do that, he had to gain intelligence. We did not know where the Argentinians were, and you cannot do a landing unless you know where the enemy are. So having arrived within range of the Falklands, he had to insert special forces covertly, to obtain intelligence of the Argentinian dispositions. To do that, he had to approach the Falklands quite closely every night, either to put in or to re-supply the special forces which were involved. He could not do either of those jobs if the Argentinian fleet were at sea. He did not know where they were, and the appreciation was that their intention was to attack him. He could only preserve his safety by going off to the eastward and keeping out of range of the Argentinians. If he did that, he could not do his mission. So the fact that the Argentinian forces were at sea, had demonstrated their intention to attack our forces by attacking them, and were in a position to interfere with Woodward's ability to carry out his mission, was enough, under the warning that we had given on 23 April.

Mr Harvey

513. Could you tell us what the specific threat posed by the *Belgrano* was to Admiral Woodward's mission?

(Lord Lewin.) Again, here was the *Belgrano*, it was reported, 36 miles outside the Total Exclusion Zone, to the south of the Falklands, which means that she was something like 150 miles away from the nearest point of land. She was 300 miles or more away from her base. What was she there for? One had to take a view, had to appreciate what she was there for—all part of the intelligence appreciation, what was the aim of the Argentinian forces? We appreciated that there would be a co-ordinated attack by carrier aircraft, by the ships in the north, by shore-based aircraft, perhaps by submarines. As part of this co-ordinated attack, with some of our ships hit and damaged and maybe sunk, the *Belgrano*, with her two escorts, armed with Exocet, was a very significant threat. There was another possibility we had to take into account. She was south of the Total Exclusion Zone and, when sighted, was steering south east 120°, not directly towards our Task Force in its present position, 800 miles away to the eastward was South Georgia where we had left one company of Royal Marines and an elderly frigate. The *Belgrano* and her escorts had just refuelled. She could have been skirting round the south of the Task Force, out of range of the Task Force, and going across again to recapture South Georgia. This was a possibility. All these possibilities were taken into account and convinced us that we had to change the Rules of Engagement so that she could be attacked. These are the sort of issues that one puts to Ministers. It is *my* responsibility to put to Ministers: "This is the threat that the *Belgrano* poses".

Mr Canavan

514. You said that news reached Northwood about the sighting of the *Belgrano*, about midnight on 1 May. Were you informed immediately?

(Lord Lewin.) No, I was told the next morning.

515. But the Prime Minister is on record as saying that the *Belgrano* posed an immediate threat to the Task Force. Does that not surprise you that you were not informed immediately?

(Lord Lewin.) No, it does not, because

[Mr Canavan *Contd.*]

there is this problem of the word "immediate", is there not? This was operational information which went to the operational headquarters. Their first duty is to make sure that the man on the spot is aware of it. Once he is aware of it, his safety is assured because he can move off to the eastward at 20 knots, and this will extend the time that it takes for the *Belgrano* or anybody to catch up with him, to a very, very great number of hours. He also knows that there is a submarine in contact and hopes that it will remain in contact, although he has no assurance of that. The decision in Northwood was that this will require a change of the Rules of Engagement. They knew very well, from my exchanges with Fieldhouse in keeping him aware of how things happened in Whitehall, that they were not going to change the Rules of Engagement without assembling the full War Cabinet. They knew the War Cabinet was due to assemble the next day, and they decided that they could wait until that time. But, as I have already said, the *Belgrano* was a threat to Woodward carrying out his mission, because if Woodward kept himself safe and went off to the eastward at 20 knots, he could not carry out his mission. His intention the next day was to bombard the airfield again, and his intention that night was to put in and re-supply more of the special forces. That was his job. He could not do his job while *Belgrano* was where she was or even at sea.

516. But the threat was not immediate enough to warrant waking you and telling you what was going on?

(Lord Lewin.) How do you define "immediate"? We talk about "the Soviet threat". All right, there is a Soviet threat. There is an Argentine threat. If the Argentines come out of their ports and come to sea, the Argentine aircraft fly off from their bases and drop bombs on us, then the Argentine threat is more immediate than it was. Do you see my point?

Mr Mikardo

517. Could I ask Lord Lewin to tell us a bit more than I for one know about the *Belgrano?* How old was she? What was her maximum speed? What equipment did she have? What armament did she have? What were the ranges of her guns?

(Lord Lewin.) Certainly. She was an old ship. She was built, I think, in 1938 or 1939. She served with distinction in the Pacific. She is reputed (so Mr Gavshon tells us in his book) to have sunk a Japanese battleship in 27 minutes. She had 15 6-inch guns with a range of about 12 to 15 miles. Her design speed was 32½ knots. One must assume that she could still do 30. She had some weight removed, in that her catapults (she used to carry a number of aircraft) and her aircraft had been removed and so made her lighter. This helps to keep the speed up. So we had to assume that she could still do 30 knots. We also had to assume that she was fitted with Exocet. Every surface ship, according to Jane's Fighting Ships, in the Argentinian Navy, with the exception of *Belgrano*, was fitted with Exocet. We knew the Argentinians had spare Exocet launchers and they had plenty of surface-to-surface Exocet missiles. We bolt on our Exocet missiles in two to three weeks outside a dockyard refit. We therefore had to assume that *Belgrano* was equipped with Exocet. We would have been extremely imprudent to assume otherwise. We now know she was not.

Mr Lawrence

518. Were the armaments on the *Belgrano* capable of firing in reverse? That is to say, if the *Belgrano* was physically going north, did you think it was capable of firing guns or Exocets or anything else, south?

(Lord Lewin.) Is that a serious question?

519. Yes.

(Lord Lewin.) Gun turrets have an arc of fire. As I recall, the *Belgrano* had three turrets for'ard and two turrets aft. The turrets aft would be able to fire dead astern. Exocet can be fired within certain limits, and those limits I forget. But I really do not quite see the point of your question, because if the commanding officer of the *Belgrano* wished to bring all his guns to bear, he had only to say, "Port 20", and within something like 2 minutes 20 seconds he would have had all his guns bearing.

520. But even if he did not say that, the guns were capable of firing in the opposite direction to the way in which the ship was travelling?

(Lord Lewin.) Oh yes.

521. So it presented a threat even to that extent?

(Lord Lewin.) Yes, if you wish to make

[Mr Lawrence *Contd.*]

that point.

522. It may not be very realistic, but the point has been made that if it was going in the other direction it did not present a threat. What I think you are saying is that even if it was going in the other direction it could have presented a threat?

(Lord Lewin.) No, what I was saying was that if it was going in the other direction, in five minutes it could be steaming 180 degrees in the reverse direction.

Chairman: Perhaps Mr Canavan could pursue that later.

Mr Canavan

523. Yes. On the *Belgrano*'s change of course, could you tell us exactly when the Argentine orders to the *Belgrano* to return to Argentine territorial waters were intercepted, when they were decoded and when they were passed to Northwood?

(Lord Lewin.) No, I cannot.

524. Why not?

(Lord Lewin.) I do not know.

525. No idea?

(Lord Lewin.) No, I do not know.

526. Yes. You are bound to know when Northwood were informed, are you not?

(Lord Lewin.) No, I do not think Northwood were informed until the Monday. Is there some significance in your question? As I have already answered the question, I did not know, to the best of my recollection, until the Monday or Tuesday.

527. When were Ministers informed about the change of course?

(Lord Lewin.) I regret that I cannot tell you whether they were or whether they were not. You are talking about the signal to withdraw?

528. The change of course of the *Belgrano.*

(Lord Lewin.) The change of course of the *Belgrano* or the withdrawal of the forces, because the two are different?

529. The change of course.

(Lord Lewin.) The change of course of the *Belgrano, Conqueror*'s reported change of course?

530. Yes.

(Lord Lewin.) Because that is different to Lombardo's signal, is it not? You understand that?

531. Yes.

(Lord Lewin.) Conqueror reported at 9 o'clock and at 3 o'clock on 2 May that she was still in contact with *Belgrano*, that her position was such and such, that her course and speed were such and such. He did not clear those two signals until the same time and they were received in Northwood, I understand from reading the newspaper, at 3.40—1540—on the Sunday afternoon. But do you want me to go on or do you want to ask me—

532. Go on.

(Lord Lewin.) This was tactical information of interest mainly to Woodward. The main concern which I might have taken note of, and I was not told that they had had another report to the best of my recollection, was that *Conqueror* was still in contact. This is what I would have wanted to know. The course to me would have been an insignificant detail.

533. What about the information that was given to Ministers then?

(Lord Lewin.) About *Conqueror* reporting the change of course?

534. Yes.

(Lord Lewin.) I was not told, to the best of my recollection, on that Sunday and I cannot remember when I was told, if I was told, because what course the *Belgrano* was doing was not of importance to me; what was important was, first of all, that *Conqueror* had not lost her—which was of very great concern—and secondly that she had been sunk. That was what I wanted to know. Now, there was no reason for me to conceal the change of course of the *Belgrano* from Ministers and it is possible that I knew on the Monday that the *Belgrano* had changed course and it is possible that, as part of my intelligence briefing that day, when I reported the details of the *Belgrano*'s sinking (which Ministers already knew because we had rung their offices and told them) I probably reported the confirmatory details of the *Belgrano*'s sinking but I cannot recall whether I told them what course she was steering or not because it was not a significant detail, and I am quite sure Ministers cannot remember whether I told them or not. I am also certain that this would not be recorded in the minutes because it was

[Mr Canavan *Contd.*]

a detail and so I am afraid nobody will ever know.

Mr Mikardo

535. What we do know about that is that in the letter which was drafted in the Ministry of Defence to send to Mr Dalyell, but which was never sent, and the text of which has been made available to the Committee, the position of the *Belgrano* at various times is listed and, therefore, the course was plotted.

(Lord Lewin.) Yes.

536. So it is clear that in the Ministry of Defence they did know about the change of course.

(Lord Lewin.) Oh, no. Do not forget that according to the Prime Minister's letter to Mr Foulkes, I think it was, she said Ministers were not aware until the November of that year. Now, I do not know when the information about *Belgrano*'s exact course and speed reached the Ministry of Defence. I would have thought it was probably in the Commanding Officer's patrol report which would have been annexed to the Commander in Chief's report of proceedings which probably did not reach the Ministry of Defence until October or November.

537. Six months after?

(Lord Lewin.) But this is history, Mr Mikardo, this is history. It is not operational intelligence. Ministers had taken a decision that the *Belgrano* was a threat to our forces and she could therefore be attacked. Now, what happens to the *Belgrano* after that is operational.

538. I apologise if this question is not really one for Lord Lewin but perhaps for another witness. I am not trying to be awkward, honestly; but Ministers at the time were being pressed because they had said that they had given false information, in effect, about what the course of the *Belgrano* was. One would have thought that since they were under pressure as a result of having given what was clearly proved to be false information, they would have taken steps to get the real "gen" quicker than six months.

(Lord Lewin.) Well, I think that is not a question for me, but I would say that Ministers and other people were pretty busy fighting a war.

Mr Thomas

539. Lord Lewin, I wonder if I could ask you one or two things about the timing. It was, I think, at 1 o'clock in the afternoon—1300 hours—that you went to Chequers, that is right, is it not, on 1 May?

(Lord Lewin.) I got there about noon, I think.

540. It was 1 o'clock when a decision was taken, or thereabouts?

(Lord Lewin.) Yes.

541. At that time you would have had certain information about the *Conqueror* being in contact with the *Belgrano*?

(Lord Lewin.) Yes.

542. Were you aware at that time of what the *Belgrano*'s course was?

(Lord Lewin.) Not at that moment. You see, we had a report of the *Belgrano* of some time in the evening before. So all we could say, all anybody could say because there had been no other message from the *Conqueror* at all, was that at such and such a time—let us say 1800 on the 1st—the *Belgrano* was here, her course was such and such, and her speed was such and such. We are now something like 15 hours later; she could be anywhere. One thing we could be fairly sure of was that the *Conqueror* was still in contact because if she lost her she would have come up and reported.

543. You had come to the conclusion that the *Belgrano* was a threat?

(Lord Lewin.) Oh, yes, coupled with all the circumstances of the day.

544. Therefore, your advice to the War Cabinet was that the *Conqueror* should be given the order to attack. Did you think that the precise course of the *Belgrano* at the time when you gave that advice was relevant?

(Lord Lewin.) No, because I did not know what it was. I knew what it was 18 hours before, 15 hours before.

545. So far as the War Cabinet was concerned, they agreed with the change of Rules of Engagement as far as the *Belgrano* was concerned on 2 May at approximately 1.30 in the afternoon, is that right?

(Lord Lewin.) Yes.

546. So they having done that, it was then a matter for you or a matter for your

[Mr Thomas *Contd.*]

forces to carry out that new instruction?

(Lord Lewin.) Yes. Could I say Ministers took their decision in the knowledge that the whole of the Argentine fleet was at sea, it had demonstrated its intention to attack our ships and, therefore, interfere with their ability to carry out their mission and. therefore, any Argentine ship which was at sea and not in close proximity to its territorial waters was under the terms of the warning of 23 April a threat to interfere with the mission of our forces and therefore liable to attack.

Mr Harvey

547. How quickly could the *Belgrano* come within Exocet range of the Task Force?

(Lord Lewin.) That would depend entirely on what the Task Force did. I am afraid I cannot answer that question. You will have to tell me the two sides of the equation.

548. Assuming a static position for the Task Force at that time.

(Lord Lewin.) If Woodward did as he intended to do and sent the same group of ships to bombard Stanley airfield on that day— You must remember that when we met at noon at Chequers it was in fact just about dawn in the Falklands. If Woodward wanted to send his ships to bombard Port Stanley, that would have been about 150 miles away, which was five hours. But we did not know where the *Belgrano* was. She might, in the 15 hours which had elapsed since we last knew where she was, have continued or gone in any direction; she may have gone closer to the Falklands. What we did know was that Woodward knew where she was and so was taking steps to make sure that he was all right. Woodward would not have put his ships in to bombard, unless he got an up-to-date position on the *Belgrano*.

Mr Canavan

549. About eight months after the sinking of the *Belgrano*, you stated on "The World This Weekend" that the *Belgrano* with its two escorts was heading towards our Task Group. How do you explain that?

(Lord Lewin.) Did I?

550. Yes.

(Lord Lewin.) When was this? Eight months?

551. It was 30 January 1983, "The World This Weekend".

(Lord Lewin.) I am afraid I cannot remember the details of everything I have said to the press and radio over the last two years, but if I did say that, she was, when she was detected, steering towards the Task Force, and I expect that that is what I actually said.

552. You actually said that the *Belgrano* and its two escorts was heading towards our Task Force. Are you now saying that that was a mistaken statement?

(Lord Lewin.) The only report we had was that she was steering 120°—and I forget the speed—at the time at which she was reported. Now by the time I reported to Ministers, I could not say what course she was on. But what any prudent seaman assumes is that she was taking a most dangerous course and had been steering in the direction of our Task Force. You would be very unwise to make any other assumption.

553. So would you withdraw the statement that you made on "The World This Weekend".

(Lord Lewin.) I am afraid I do not know what I said to the—

554. I have a transcript here: "The *Conqueror* found the *Belgrano* with its two escorts heading towards our Task Group".

(Lord Lewin.) No, I do not withdraw that statement. When she was sighted by the *Conqueror*, she was.

Mr Spearing

555. Can I revert in time, before we get to the actual events of the Chequers meeting, in a moment? You were describing vividly the events of 1 May and the effect they had on all concerned. Apart from the *25 de Mayo* matter, how many of these were inside the 200-mile limit, or were any outside?

(Lord Lewin.) I do not think any of the Argentinian ships were in the Total Exclusion Zone.

556. No, the actions which you have mentioned—the bombings and the attacks by Argentinian aircraft and so on.

(Lord Lewin.) Oh, the bombings. You would have to check. The bombings were certainly inside the Total Exclusion Zone, because that was the bombarding group.

[Mr Spearing *Contd.*]

The submarine action I cannot help you on; I think it was inside the Total Exclusion Zone, because that is where we believed that the submarines were.

557. If I may take you back a little while, my colleague Mr Ivan Lawrence some time ago was asking you questions about what would be the reasonable supposition of the Argentine admirals. But looking at the wording of the letter, it was: "any approach on the part of Argentine warships, including submarines, naval auxiliaries and military aircraft, which could amount to a threat to interfere with the mission of the British forces in the South Atlantic, will encounter the appropriate response." One interpretation of that is that therefore anybody outside the 200-mile limit would not encounter an appropriate response. Now you say that that would not have been the Argentine admirals' interpretation?

(Lord Lewin.) I would certainly think not, if they had intended to launch their aircraft to bomb our ships with aircraft from shore bases and had launched their Super Etendards with Exocet, and if their submarines had fired a torpedo at our ships. My assumption is that the Argentinian admirals had given all their warships and aircraft instructions to attack our ships, wherever they were.

558. Right, but just to repeat what I said earlier, the results of those attacks, wherever the aircraft flew from, were, you are agreed, mostly, if not all, within the 200-mile zone?

(Lord Lewin.) I cannot speak for the attacks that failed.

559. No, but they probably were?

(Lord Lewin.) No, I do not agree. The attacks that failed would almost certainly have been launched from her carriers which I believe were just outside the Exclusion Zone. I believe that if the Mirage and the Canberras had been able to find the carriers, they would much rather have attacked the carriers than they would have attacked the bombarding group. Reading from this account of what Lombardo has said, I do not believe that they had any feelings about the Exclusion Zone; their target was our Task Force, wherever it was.

560. You mentioned earlier the political sensitivities relating to the attack on the *25 de Mayo* outside the zone, and particular reactions in other parts of the world. If that were true of the aircraft carrier, would that not also have been possibly true of the *Belgrano*?

(Lord Lewin.) No, I did not say "outside the zone". I did not say anything, but what I meant was an attack on the *25 de Mayo* at a great distance from our Task Force (if you call 150 or 200 miles a great distance). This might not be construed, by international public opinion, as an approach; although to us, knowing the range of the carrier's aircrait, we would consider it an approach. Once they had started bombing us, then *our* interpretation of an approach was any sortie out of their bases which took them out onto the high seas in the direction of our ships. That was an approach, once they had demonstrated that their intention was to attack us.

561. Nevertheless, the *Belgrano* therefore was much further away in that respect than the *25 de Mayo*?

(Lord Lewin.) Oh no. I do not know where—

562. I thought you said 150 miles?

(Lord Lewin.) I do not know where the *25 de Mayo* was. We never found her. But what I said was that if we *had* found her and we had attacked her, she would have been in such a position that she was able to launch a carrier-borne aircraft attack on our forces.

563. Can I follow up Mr Robert Harvey's point about distance? The article to which we have been referring did say 360 nautical miles, and you mentioned 30 knots. Would that be the cruising speed?

(Lord Lewin.) 30 knots? No, that would be the maximum speed. But the article you refer to, of course, is the one that was written by Dr Scheina, quoting Argentinian sources who did not know where our Task Force was, so how did they know it was 360 miles away?

564. Can you give us another figure?

(Lord Lewin.) No, I cannot.

565. But surely you know where the *Belgrano* was sighted, and you know at that time where the Task Force was? Mr Nott in the House of Commons said that it was hours away, so surely a calculation had been made?

(Lord Lewin.) But the Task Force was moving all the time.

[Mr Spearing *Contd.*]

566. Yes, but the phrase, if I recall it—
(Lord Lewin.) In what instance do you wish me to give you a distance?

567. The phrase, if I recall it (and we can all look it up) was that the *Belgrano* was "hours away" from elements of our Task Force and therefore constituted a threat. Now can you tell us how many hours?
(Lord Lewin.) I am afraid I cannot, because as I have already said, Admiral Woodward would make sure that the *Belgrano* did not come close enough to attack him.

568. But if that was the case, what was the strength of your assessment of threat, if you did not yourself know the number of hours which might be involved?
(Lord Lewin.) Because when I knew whether the *Conqueror* was in touch with the *Belgrano*, but it was reported to Ministers, the position at which the *Conqueror* reported was, as I have already said, some 15 hours out of date. I do not know if you read the article I wrote in *The Times* about furthest-on circles, but when an enemy report is made it is made at a certain time, and you are given the datum which is the position at that time. As time elapses and you do not know what the enemy is doing, you can only assume that the enemy will be somewhere within a circle whose radius is the maximum speed multiplied by the elapsed time. You have to assume, for safety's sake, the most dangerous point on the furthest-on circle. If you assume the furthest-on point, the most dangerous point on the furthest-on circle, then the *Belgrano* would have been within hours' steaming of our Task Force. We had to make the worst assumption—you have to in war, you are very foolish if you do not.

Mr Mikardo

569. Lord Lewin, you told us about how you reached an assessment of the threat of the *Belgrano* at the time, on the basis of the information then available to you, and you have told us that as far as her position was concerned, the information was 15 hours out of date. But that was your assessment at the time, on the information available to you. Looking back at it now, at this distance, do you think the killing of 368 men at a stroke was justified, in the light of what happened subsequently?
(Lord Lewin.) I think that is a rather unfair question. I had no idea how many men were going to be killed and my main concern—and I am sure Ministers' main concern—was the safety of our own men and from my judgment the *Belgrano* was a threat to the safety of our own men and we could reduce that threat to our own men by attacking her. Now, I think it is tragic that 360 men lost their lives. I was extremely surprised that the number was so high. But if you want me to go on, with all the hindsight that is now available to me and all the information that has come to me about Argentine intentions and Argentine actions, I have no hesitation in saying that that was the right decision and after the *Belgrano* was sunk the Argentine Navy did not once again emerge from their territorial waters, so it is quite likely that by sinking the *Belgrano* we saved life.
Mr Thomas: Admiral Lombardo agrees with you.

Chairman

570. I am afraid we must watch the clock. Can you say a word about the escorts to the *Belgrano*? Were any orders issued relative to them?
(Lord Lewin.) Not at the time, no.

571. At a subsequent date were there?
(Lord Lewin.) My recollection is that on about 4 May the *Conqueror* said that she was returning to the scene of the sinking and I had continuous contact with Admiral Fieldhouse and we discussed the escorts and, because of the strength of international reaction to the sinking of the *Belgrano*, my recollection is that I told Fieldhouse she should not attack the escorts if they were in the vicinity of the sinking, and he passed the order.

572. Why did she go back to the scene of the attack?
(Lord Lewin.) I am afraid I cannot answer that. She was within her patrol area and perhaps she thought she might find other ships there.

Mr Mikardo

573. When she went back on the 3rd she was still on the Rules of Engagement which would have entitled her to sink the destroyers because the instructions to her not to attack them was not given till the following day?
(Lord Lewin.) I do not think she went back on the 3rd. You are probably better

[Mr Mikardo *Contd.*]

informed than I.

574. The Secretary of State told us.
(Lord Lewin.) Did he? Well, she did.
Chairman: Admiral, we are very grateful indeed for your coming, particularly because as a member of your House you do not have to come. So we appreciate very much your courtesy in doing that. It has been of the greatest help. It is possible that one or two members of the Committee may have yet further questions. If we were to address them in writing, perhaps you would be kind enough to give us a reply. We are very grateful to you.

TIMING AND THE FALKLANDS CRISIS (FI 87)

Supplementary Memorandum by Admiral of the Fleet Lord Lewin

Time was an important factor in political decision making during the Falklands crisis for two important reasons: the sustainability of the Task Force and the onset of the antarctic winter.

The Task Force was going to have to operate 8,000 miles from its home base with the nearest available dockyard. Gibraltar, 7,000 miles away. The weather would be mainly bad, with frequent gales. The carriers were vital to any military operation. *Invincible* was a new ship and her operational availability over a long period was an unknown quantity, the same applied to the Type 22 frigates and to a lesser extent to the Type 42 destroyers. The Sea Harrier too was unproven in availability over a long operational period and there was only a small margin for attrition. Twenty-two aircraft were embarked with the Task Force and only a further fourteen aircraft were available as reinforcements/ replacements. The record for continuous carrier operations was 155 days, held by the American nuclear powered ship *Eisenhower*, 80,000 tons. The best estimate that could be given to Ministers was that the Task Force could sustain operations for a maximum of six months from the time of sailing, and for the last two to three months of that time it would be likely to become increasingly less effective.

Meteorological statistics showed that July, antarctic mid-winter, is the worst period for gales and low temperature in the latitude of the Falklands. This would not only hamper maritime operations but conditions on shore with the inhospitable terrain of the islands would make it virtually impossible to continue an active land campaign against an enemy who had had time to prepare defensive positions. If there was to be an amphibious landing, the subsequent operations on shore had to be completed by early July, or they might drag on beyond the limit of Task Force sustainability.

The Amphibious Force took longer to prepare and load than the Task Force and its speed of advance was slower. The earliest that it could arrive at the Falklands was about 20 May, having sailed from Ascension Island, where final training and tactical loading was carried out, some two weeks earlier. A military force cannot be kept embarked indefinitely without losing its edge of fitness and readiness. After some three weeks it is necessary to disembark the force for further training. This would necessitate withdrawing the force to Ascension Island. The terrain of South Georgia, although nearer, was not suitable for the type of training required. Thus if the landing could not be carried out in the week to ten days after the 20 May, by the time the force had returned to Ascension, retrained and sailed again for the Falklands, the onset of winter weather would make the landing and subsequent operations impracticable. If there was to be a landing, there was a window of about ten days from 20 May when it had to be carried out.

Once the Haig negotiations had failed, there was a risk that the Junta would accept a cease fire while further negotiations took place, with the sole object of wasting time and with no intention of withdrawing their forces from the islands. Haig's own assessment of the unreliability and bad faith of the Junta emphasised the possibility of this. During such a negotiating period although it might be possible to prevent further reinforcement and to insert an International Monitoring Team, the very sizable Argentine forces already on the Islands could strengthen their defensive positions, lay more minefields and build up their reserves, at least of food. Their ships and aircraft could husband their resources in their home bases while ours would have to keep the sea in deteriorating weather.

These factors argued that if there had to be military action to resolve the crisis, it should be commenced as soon as possible. Time was not on our side.

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HOUSE OF COMMONS

FOREIGN AFFAIRS COMMITTEE

Session 1984–85

THE EVENTS SURROUNDING THE WEEKEND OF 1–2 MAY 1982

MINUTES OF EVIDENCE

Wednesday 5 December 1984

Rt Hon Sir John Nott, KCB

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WEDNESDAY 5 DECEMBER 1984

Members present:

Sir Anthony Kershaw, in the Chair

Mr Dennis Canavan
Mr Robert Harvey
Mr Jim Lester
Mr Ian Mikardo
Mr Nigel Spearing
Mr Norman St John-Stevas
Mr Peter Thomas
Mr Michael Welsh

RT HON SIR JOHN NOTT, KCB, called in and examined.

Chairman

575. Sir John, it is a very great pleasure for us all to welcome our former much-valued colleague back to the Palace of Westminster and to see you once more amongst us. We are very glad that you have agreed to come to talk to our Committee about the events which surrounded the weekend of 1–2 May 1982, when the warship the *Belgrano* was sunk. The main purpose of our inquiry is to establish the validity, if any, of allegations of a linkage between the sinking of the *General Belgrano* and the failure of peace proposals in early May 1982. Of course, it is not our responsibility, as a Foreign Affairs Committee, to conduct an inquest into the military conduct of the Falklands conflict as a whole. It is, however, we thought, necessary for us to understand the context in which the decisions of 2 May were taken and something of the decision-making machinery operating at that time. So perhaps I could start the questioning with this question. As usually happens in wartime, the Prime Minister and Cabinet chose to exercise collective political control during the conflict, through a small group of Ministers in the so-called War Cabinet, rather than through the Cabinet as a whole. I wonder if you could explain to us the purpose and role of the War Cabinet?

(Sir John Nott.) The War Cabinet (as it has come to be known) was responsible for the overall strategic direction of the war, with the purpose of achieving Parliament's objectives which were the recovery of the Falkland Islands back into British administration.

576. During the conflict were there any categories of decisions, or individual decisions, which were reserved for the full Cabinet, rather than the War Cabinet? If it was so, could you give us an example?

(Sir John Nott.) Decisions were taken by the War Cabinet generally and reported to the full Cabinet whenever appropriate. They were decisions which needed, on the whole, to be taken day by day, sometimes at shorter notice, so the calling of the whole Cabinet to take these decisions was just not practical or sensible. But there were frequent reports to the Cabinet, both on the diplomatic negotiations and on the military arrangements, and the Cabinet expressed its views.

577. Were there certain types of decision which you, as Defence Secretary at that time, and your Chiefs of Staff, were required to put before the War Cabinet, or did you merely approach the War Cabinet whenever you felt that the Prime Minister and the other political colleagues of yours should be involved?

(Sir John Nott.) I cannot recall that there were specific directions from the Cabinet in that regard, but we did refer everything of any consequence to the War Cabinet for collective decision. I cannot recall any events of major strategic importance on which we made decisions in the Ministry of Defence.

578. To what extent, if at all, did the War Cabinet develop a secretariat of its own?

(Sir John Nott.) The secretariat of the War Cabinet was the secretariat of the Cabinet. It was handled by the Secretary of the Cabinet, but the Secretary of the Chiefs of Staff Committee, as far as I recall, attended quite a number of the meetings of the War Cabinet and took minutes, as

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[Chairman *Contd.*]

far as I recall, on matters which were of concern to the Chiefs of Staff.

Chairman: I will ask Mr Norman St John-Stevas to take up the work.

Mr St John-Stevas

579. I would like to ask about the peace negotiations and the War Cabinet. To what extent was the War Cabinet kept abreast of the peace negotiations conducted by General Haig during April?

(Sir John Nott.) I believe, completely. I think that some of these questions on the diplomatic negotiations are probably more appropriately addressed to the Foreign Office. I believe that I attended personally most of the negotiations which Haig conducted[1], and the War Cabinet was kept continuously informed of the progress of those negotiations.

580. In view of the declared policy of "minimum force", to what extent were the decisions of the War Cabinet—particularly regarding changes in the Rules of Engagement—taken in step with the fluctuating proposals for a negotiated settlement?

(Sir John Nott.) The principal task of the War Cabinet was, of course, the reconciliation and the co-ordination between the three legs of economic pressure, diplomatic/political pressure and military pressure. Virtually all the major difficulties and problems that arose were reconciling these three.

581. When the Haig shuttle finally collapsed at the end of April, what was the reaction of the War Cabinet? Was it hoped or expected that further efforts might be made towards a negotiated settlement, or was it then agreed that in view of the arrival of the Task Force in Falklands waters and the risks to which it was exposed, then the only course open to you was in fact to press immediately for a military victory?

(Sir John Nott.) I do not think that I am able to speak for my former colleagues. If you are asking me what was the mood of my colleagues when the Haig negotiations failed, I do not think we gave up hope of a peaceful settlement, but clearly, as the Task Force got nearer to the Falkland Islands, and as the intransigencies of the Argentine Junta became more and more evident, it became more likely that a military solution would be required. But we did not write off the opportunity of further diplomatic negotiations. Clearly, however, the Haig shuttle, when it ended, brought to a conclusion the first phase. May I, Chairman, just make one general statement? I have been out of the House for two years now. I really have not followed these matters as closely as some of my interrogators, and I do not really claim to be an expert. I am certainly not a Government archivist. If there are any facts which are asked in questions to me, I think they all really ought to be put to the Government. All I really have is rather distant memories and a few opinions, but I will try to assist the Committee on that basis.

Mr Mikardo

582. I do sympathise with you, Sir John, in the position in which you find yourself. It is kind of you, as the Chairman has said, to come and help us in those circumstances. Lord Lewin has said that some time in the last week of April—23 or 24 April or thereabouts—the War Cabinet came to the conclusion that there was no hope of a negotiated settlement, and that the thing had to be pursued by military means. As I recall, that was never disclosed. Officially the policy remained "the use of minimum force required to get a diplomatic settlement". Is it your recollection that Lord Lewin is right, and that at the time when Mr Pym went to the United States to see Mr Haig the War Cabinet had already abandoned the policy of "minimum force necessary to get a diplomatic settlement", without overtly saying so?

(Sir John Nott.) I did listen to Lord Lewin's evidence this morning and I heard him express that opinion. It was not mentioned at the time. I had not personally given up hope of a peaceful solution and I do not believe that other members, political members, of the War Cabinet had either, but I heard Lord Lewin express that view. As it turns out, he was right and I was wrong, but there we are, admirals are always right, Mr Mikardo!

Mr Spearing

583. But taking up what was probably an important discussion, Sir John, on 30 April, we heard a little about it this morning from Admiral Lewin. Is it not true that whilst marking the end of the Haig Shuttle that was also the time when the United States tilted by virtue of the Senate Resolution 382 when they said they no

[1] *Note by Witness:* The negotiations which I attended were those which General Haig conducted in London in April.

[Mr Spearing *Contd.*]

longer stayed neutral, the statement that very day by Secretary of State Haig and the eve of a new effort by Mr Pym departing for the United Nations the very next day?

(Sir John Nott.) I frankly cannot remember the date when Haig made his statement indicating that the United States would give every kind of material and other support to the United Kingdom. Perhaps I could be reminded of it.

584. 30 April.

(Sir John Nott.) That was, I think, for us an important turning-point, the expressed moral support of the United States. As I said, the Haig negotiations saw the end of one round of peace negotiations. I do not think Mr Pym or myself believed that there would not be further attempts to arrive at a peaceful solution and, as Secretary of State for Defence, I may say that is what I always wanted because this was a highly hazardous operation and I was by no means sure—I was confident, but I could never be sure—that the landing and the future military operations would necessarily be successful.

585. Indeed, but because of the change, which was very considerable, in the political situation at that time, remembering the United Nations resolution, would there not have been renewed hope for some negotiated settlement because the odds against Argentina had dramatically changed at that time, had they not? Did you discuss the likely reactions among the Argentine Junta or General Staff?

(Sir John Nott.) It has to be said that General Haig on his two visits or three visits to London reported to us the atmosphere in Buenos Aires, and the attitude of the Argentine Junta and of General Galtieri personally when he was able to meet him. I have to say that what we heard of the atmosphere in Buenos Aires and the attitude of the Junta did not encourage us at that time to believe that the withdrawal of the Argentine forces was going to prove possible, but that did not mean to say we had given up hope of achieving it.

586. Indeed, because, as we heard from Admiral Lewin this morning, there was some discussion as to the wisdom or otherwise of the arrangements in relation to the aircraft carrier *25 de Mayo* and the Rules of Engagement were changed on that day to enable an attack to take place but was there any application to go beyond that because Admiral Lewin agreed there was consideration of international opinion?

(Sir John Nott.) I was never in favour of going beyond what was needed for the protection of the Task Force. My overriding concern as Defence Secretary was to protect our ships and men and there clearly was an inherent conflict between the protection of our own Task Force and the opportunities which might develop for further peaceful negotiations. That was always present, but in the last resort I saw my overriding duty, and, indeed, the whole War Cabinet did, unanimously, as being the protection of our Task Force.

587. Indeed, and I am sorry I did not put my question sufficiently clearly. What I am asking is, was there any application at that meeting, to your recollection, to extend the Rules of Engagement beyond those affecting the *25 de Mayo*? Was there any discussion of its wisdom or otherwise?

(Sir John Nott.) I really cannot remember.

588. The point is that Mr Pym wrote the next day, as you will recall, a memorandum?

(Sir John Nott.) I have since been reminded that he did. I understand that his memorandum expressed the view that it would be prudent to issue another warning following the 23 April warning which we had already given. That is my recollection of what Mr Pym advised but, as I say, I think Members of this Committee are rather better informed on these matters than I am.

589. One final question about 30 April: what I am suggesting to you is that because of the concern which was expressed by Mr Pym and maybe Sir Michael Havers—was he present at that meeting? Can you help?

(Sir John Nott.) I believe Sir Michael Havers was present at the meeting. I am sure he would have been present at the meeting where we changed the Rules of Engagement to enable the Task Force to engage the carrier. As Admiral Lewin expressed this morning, our principal preoccupation was very much with the carrier and not at that particular moment with the rest of the Argentine navy; the point being that the carrier could have slipped through the SSN submarine barrier, overnight, and that could have happened very easily over thousands of miles of sea. It would then have been within striking distance of a largely undefended Task Force.

[Mr Spearing *Contd.*]

I cannot remember how many hours it is but we have a calculation. Maybe it was 12 hours or so. I forget.

590. The fact that you agreed, however reluctantly or willingly, actually to extend it to the *25 de Mayo*, irrespective of the risk to international opinion, showed that there was great sensitivity to what might be called escalation at that stage and the prejudicial effect it might have on some international negotiations?

(Sir John Nott.) There was always sensitivity to international opinion. Yes, we were deeply concerned that our allies kept with us but our overriding duty was to protect the Task Force and that overriding duty led us to change the Rules of Engagement with regard to the carrier.

Mr Thomas

591. I think what Lord Lewin told us this morning was that instructions were given to the submarines that if the *25 de Mayo* was sighted it would inevitably mean that that aircraft carrier was within the exclusion zone and would be in a position to be a real threat to the Task Force. They were not aware where the carrier was but if it was sighted it would mean that it was in a position to pose a real threat to the Task Force. I think that is right?

(Sir John Nott.) That is right. The nuclear submarines were given patrol areas and Rules of Engagement which enabled them to attack the carrier and these were organised in such a way that the carrier could only be attacked within those areas if it did pose a direct threat to the Task Force.

592. In other words, if it was sighted it was quite clear that it had come into a position where it was a threat?

(Sir John Nott.) Most certainly, yes.

593. You may have heard that allegations have been made to the effect that later on when the *Belgrano* was sunk that action was motivated by an intention to "scupper" what had been called the Peruvian peace proposals? You know that?

(Sir John Nott.) I heard of that allegation. It was quite ridiculous.

594. I would just like to ask you, you yourself being a member of the War Cabinet, one or two things about that. We have heard in this Committee how those peace proposals were initiated. We heard that on Saturday 1 May President Belaunde got in touch with his Ambassador in Washington. He later had a very late telephone conversation with General Haig and at about 5.30 in the morning, British time, on 2 May he had got in touch with General Galtieri and General Galtieri had reservations at the time and it was very much later that he finally got in touch with General Galtieri, who said that the matter had been handed over to his Foreign Secretary, nothing had been agreed, and when that last conversation took place it was British time two o'clock in the afternoon on 2 May. The question I would like to ask you, as a member of the War Cabinet, is this, first of all: were you aware, either on the Saturday, that is, 1 May, or the Sunday, 2 May, of any efforts being made by President Belaunde or others to re-open negotiations? We have heard that the Haig mission had come to an end on 30 April.

(Sir John Nott.) No, and, indeed, the Prime Minister, as I understand it, has denied that we had any knowledge of the Peruvian negotiations at the time we took the decision to change the Rules of Engagement on the *Belgrano*, and I really do think the Prime Minister's recollections and the records of this Government are better than suggestions that emanate from critics of HM Government and its enemies.

595. I know it may be difficult for you to say precisely this, but can you recall—if possible, precisely—when either you individually or the War Cabinet as a whole were informed that Belaunde and Haig had been talking?

(Sir John Nott.) No. I cannot recall that, but I am sure that an inquiry with the Government will produce the facts. I do not recall when I first heard of the Peruvian negotiations, but I am certainly quite confident that I had no knowledge of them at the time that we met at Chequers on the Sunday morning of 2 May.

Mr Mikardo

596. Could I ask on that, General Haig has said that he met Francis Pym for two hours on the Sunday morning, they had a two-hour conversation and then they lunched together; and that during that time he told the then Foreign Secretary about the contacts that had been going on between him and President Belaunde Terry and, indeed, the contacts before his own had started at official level the day before, on the Friday. Is not it very strange indeed, if what General Haig says is right,

[Mr Mikardo *Contd.*]

that the Foreign Secretary, having been told all this on the Sunday morning and knowing that the war Cabinet was more or less in continuous contact, considering the development of its activity, did not report back to London?

(Sir John Nott.) I think you have to ask Mr Francis Pym what he discussed at lunchtime with General Haig. I have not the remotest idea what they discussed, but all I do know (partly because I am now a banker) is that lunchtime in Washington is actually about 7 o'clock British time, so at 7 o'clock in the evening the decisions to change the Rules of Engagement had already been taken, the signal had gone, and we were within an hour of what I understand was the time at which the ship was sunk. But what General Haig and Francis Pym discussed at lunch in Washington, I have not the remotest idea. My understanding was that we first heard of the Peruvian negotiations rather later than that. But these are facts that I cannot help you with, Mr Mikardo.

Mr Lester

597. Could you tell us why the general warning to Argentina was issued on 23 April? Was there any particular significance in that date or that time?

(Sir John Nott.) I cannot recollect any particular reason for that date. I think it was because the Task Force were approaching the Faikland Islands and were coming into a more hazardous position, given that they were moving outside the reconnaissance cover of our own Nimrod aircraft, and we were coming to a phase of the operations where clearly the military option became more likely. So the 23 April announcement was given well in advance of any likely escalation of operations on either side.

598. When subsequent decisions were taken to change the Rules of Engagement (on 30 April in respect of the aircraft carrier the *25 de Mayo* and on 2 May in respect of other surface ships), did you regard the comprehensive warning that we had issued on 23 April as sufficient?

(Sir John Nott.) This was a matter where we were advised by the law officers. I remember clearly that the law officers, both in the Foreign Office and the Attorney General, were advising that the 23 April warning was sufficient warning to enable us to change the Rules of Engagement. I tended to take the view in fact that we were perfectly entitled to act under Article 51 without any warning at all, but we took the cautious course and issued the 23 April warning, just to be absolutely sure.

599. You already said to Mr Spearing that a further suggestion was that we issue a further warning on 7 May; you said that Mr Pym suggested to the War Cabinet that we reinforce the warning of 23 April. Did you feel that it did need clarifying? Was it a sort of fallback position?

(Sir John Nott.) I do not recollect Mr Pym's minute, but I have read reports that there was such a minute, and he may well have corroborated that. I certainly would have taken the view that a further warning was totally unnecessary; and since I was concerned with the safety of the Task Force, I saw no possible reason for continuously issuing warnings, when we had already been advised that the 23 April warning was adequate in international law.

Mr Mikardo

600. Sir John, you may not know this. We have had a memorandum from the Foreign Office commenting on some questions we put about the repetition or the reinforcement on 7 May of the warning given on 2 May. May I say two things? The first is one that Mr Lester has just mentioned. They said that it was intended to clarify the position. Now you do not have to clarify things if they are clear.

(Sir John Nott.) Was this the further warning which it is alleged that Mr Pym wanted to issue? Is that the one you are talking about?

601. No, it is the one that was actually issued on 7 May.

(Sir John Nott.) On 7 May, the subsequent one, yes.

602. The Foreign and Commonwealth Office say that that was issued to clarify the position. That therefore implies that the warning on 2 May was unclear, because you do not have to clarify anything that is clear. In what way was that unclear?

(Sir John Nott.) I have no idea. You must ask the Foreign Office. As far as I was concerned, the 7 May warning was quite unnecessary. But you must ask the Foreign Office why they thought it to have been wise.

603. They also said that the delay of the five days to giving the real warning, as they

[Mr Mikardo *Contd.*]

more or less say, was not significant. However, I dare say you may have read, even though you are not now directly involved, about the now notorious minute which a Mr Legge of the Ministry of Defence wrote to his Ministers advising them about their course of action in dealing with this Committee. In it he makes clear that there was very *real* significance in the difference, and the significance was the need to protect Ministers in respect of what they had said and the need not to give any information that was in conflict with what Ministers had said. Does that significance strike you as being real?

(Sir John Nott.) I know Mr Legge. He is an excellent man. I have no knowledge of memoranda which were written a year after I had left Parliament, so I do not think I can comment on that.

Mr Harvey

604. Sir John, could you tell us a little more about the political control exercised over the Rules of Engagement by the War Cabinet? Mr Heseltine told us in evidence that an example of this political control is the instruction to the *Conqueror* not to attack ships searching for survivors from the *Belgrano*, but he has subsequently conceded that this instruction was given by the COE of the Fleet and not by Ministers. Could you tell us what changes, if any, in the Rules of Engagement were decided neither by the War Cabinet nor by you as Secretary of State, or if, indeed, they were all decided under political control?

(Sir John Nott.) As far as I am aware, all changes to the Rules of Engagement were decided by the War Cabinet. I do not recollect ever having taken a decision of that kind myself. There were no doubt tactical decisions taken at operational level, but the broad strategic control of the war emanated from the Rules of Engagement which were always discussed in the War Cabinet.

605. How wide, then, was the discretion granted to military commanders within the terms of the Rules of Engagement laid down by the Government?

(Sir John Nott.) I have to tell you that I did do my homework during the course of this conflict and the Rules of Engagement are voluminous and are carried by all operational units. They are complicated and technical and I must say I was very anxious to ensure that the papers which went to the War Cabinet for decision by the Ministers on the Rules of Engagement did relate as closely as I was told they did to the actual book of instructions which operational commanders carry. As I understand the Ministry of Defence has been reluctant, not just on security grounds but on every other ground, to produce them—and I think that is the right decision—when you ask me what were the day-to-day operational decisions, tactical decisions, taken by commanders on the ground and what discretion they had. I think that is an impossible question to answer without a specific example being addressed.

Mr Mikardo

606. As a specific example, I think I recall—but I say this a bit diffidently because my memory is not all that great—that at one stage you said that the decision to sink the *Belgrano* was taken by the commander of the *Conqueror*? Am I right?

(Sir John Nott.) I may well have said that the tactical moment—What I would have meant was that the actual tactical decision as to the moment that the torpedoes were fired was taken by the commander but clearly the decision to allow the commander of the submarine to attack the *Belgrano* was taken by the War Cabinet.

Mr Harvey

607. Was the decision to refer a Rules of Engagement change to Ministers one which was taken by the military alone or was it accepted that Rules of Engagement changes could, if necessary, be made without the approval of the Secretary of State or of the War Cabinet?

(Sir John Nott.) No, all changes of the Rules of Engagement, or the vast majority of them, emanated from the Chiefs of Staff as recommendations for the protection of the Task Force and for the conduct of military operations. There was no particular reason why a change in the Rules of Engagement should not have been recommended by me or the Prime Minister and then considered in that way, but I do not recollect that occurring. The changes were I believe always made on the recommendation of the Chiefs of Staff and very often those recommendations were rejected.

608. As in the case of the *Belgrano* change?

(Sir John Nott.) In the case of the request to change the Rules of Engagement of the *Belgrano*, the War Cabinet accepted that

[Mr Harvey *Contd.*]

recommendation; but there were several occasions on which there was a difference of view and we did not accept the recommendations of the Chiefs of Staff to change the Rules of Engagement because we felt it was inappropriate that they should be changed at that particular moment because of the conduct of diplomatic negotiations, so we did not by any means always accept the recommendations that came up to us.

Mr Welsh

609. Sir John, may I put a couple of questions on the Rules of Engagement. Can I ask again, when the Rules of Engagement were changed on 30 April might the change have applied only to the *25 de Mayo* aircraft carriers?

(Sir John Nott.) Yes, the change, as I understand it, on 30 April only applied to the aircraft carrier.

610. Can you tell us what the reason was?

(Sir John Nott.) Of course I will tell the Committee, but I did actually sit through Admiral Lewin's evidence this morning, which I thought was very comprehensive and excellent on this point. I will certainly repeat his evidence if you wish me to do so.

Mr Welsh: No, that is quite all right.

Mr Mikardo

611. But if the *Belgrano* was thought to be a threat why was not that change applied to the *Belgrano* as well as to the *25 de Mayo*?

(Sir John Nott.) Because, as Admiral Lewin made perfectly clear, the aircraft carrier was in a quite different category to the *Belgrano*. Prior to the attacks on the fleet of 1 May by the Argentinians the aircraft carrier posed a unique threat to the Task Force as it travelled south because it was possible that it could have slipped through the submarine barrier, the sonar barrier, and with its aircraft, which had ranges of up to 500 miles launched a very dangerous attack on the fleet and, therefore, it was in a different position altogether to the *Belgrano*.

612. You are saying the *25 de Mayo* was a threat, that it was different?

(Sir John Nott.) Yes.

613. Does that mean the *Belgrano* was not a threat?

(Sir John Nott.) The *Belgrano* clearly was a threat as well but we changed the Rules of Engagement for the aircraft carrier first because the reach of the weapons of the aircraft carrier was very much greater than those of the *Belgrano*; because the aircraft from the carrier had a range of up to 500 miles and at that particular point of time the Task Force was not as far south as it became when we changed the Rules of Engagement to allow the attack on the *Belgrano*.

Mr Welsh

614. Was there consideration given at the time when you changed the Rules of Engagement just for the aircraft carrier to an extension or did you discuss that it should cover all Argentine vessels, as you did on 2 May? Was that under discussion on 30 April?

(Sir John Nott.) I cannot honestly remember but I would suspect we did discuss whether it should just be confined to the aircraft carrier or whether it should also cover all warships. I suspect we did discuss that but, as I say, it was the aircraft carrier that was our principal concern at that particular point of time and it was only the aircraft carrier that initially we allowed in this special category.

615. As the aircraft carrier had escorts also, was it discussed how you would deal with the escorts of the aircraft carrier?

(Sir John Nott.) Yes, but, as I have explained, the threat was from the aircraft which flew off the decks of the aircraft carrier because they had considerable range, and not from the 20 miles of the Exocets which were on the aircraft carrier's escorting ships, which were very much shorter range.

Mr Spearing

616. Sir John, I would like to ask a few questions about the Chequers meeting, but before doing that, can I revert to the question of the second and final letter from our representative at the UN on 7 May, which takes the warning which you did not regard as necessary a bit further. Perhaps you do not know but it was a letter which had as an annex a statement from the Ministry of Defence which concluded with making it clear that action would be taken up to 12 miles from the Argentine coast. You may recall that. So, from that we would conclude that the change of Rules of Engagement agreed at Chequers was substantial

[Mr Spearing *Contd.*]

because, apart from the *25 de Mayo* exception, it increased the optional area for action from 200 miles right to the Argentine coast. Am I correct?

(Sir John Nott.) The warning of 23 April gave the Task Force authority to sink Argentine warships outside territorial waters. The letter that you have there was a further warning and it does appear that the 12-mile limit, which was the territorial waters of Argentina was specifically mentioned for the first time. I believe that we did find the aircraft carrier in the final days of the conflict but we found it within territorial waters, within the 12-mile limit, and the submarines were not able to attack the aircraft carrier at that particular point of time because it was inside the territorial waters and, therefore outside the Rules of Engagement.

617. Yes, I appreciate that, and again I apologise for not making the point as clearly as I might have done.

(Sir John Nott.) You probably have made it very clearly but these are not areas of which I have very much memory. I am trying to help but I am not a very good source of information on this subject.

618. Can I put it again. Up until the Chequers meeting the Rules of Engagement did not permit anything to be engaged outside the 200-mile limit bar the *25 de Mayo* if it was there?

(Sir John Nott.) Yes.

619. But you are saying that the letter of 23 April, which was the statement concerning the general warning, covered everything but the Rules of Engagement were changed, were they not, at Chequers from the edge of the 200-mile limit to the 12-mile limit referred to in the Ministry of Defence memorandum dated 7 May and sent under the cover of Sir Anthony Parson's letter?

(Sir John Nott.) I believe so but you must pose that question to the Ministry of Defence. I have not been through the files.

Mr Spearing: All right, I will put it to you that, subject to their checking, that is a reasonable assumption. The point I want to put, Sir John is—

Mr Thomas: Could I just intervene in order to clarify this? On 23 April it was clearly said that any approach of any warships, submarines, naval auxiliaries or military aircraft, which could amount to a threat to interfere with the mission of British forces in the South Atlantic, would encounter the appropriate response, and therefore there had to be an approach which would amount to a threat. On 7 May, by reason of what had happened (including the *Sheffield* having gone), it was decided to give warning that any warship or military aircraft found more than 12 nautical miles from the Argentine coast would be regarded as hostile. It is a totally different form of warning.

Mr Spearing

620. Yes. I am concerned, however, Sir John, with the changes in Rules of Engagement which happened within that general warning to which Mr Peter Thomas has referred. I am putting it to you that it was a major change. Would you agree?

(Sir John Nott.) The change on the Sunday morning of 2 May was a major change, yes.

621. Was this a routine meeting of the War Cabinet, or a social get-together?

(Sir John Nott.) It was a routine meeting of the War Cabinet.

622. Was the decision taken at a properly minuted meeting of the War Cabinet?

(Sir John Nott.) You must ask the Secretary of the Cabinet if he took minutes or not. I must assume so.

Chairman: I think Sir John has given his answer.

Mr Spearing

623. I am sorry if I must press this, but you were present.

(Sir John Nott.) I have given the answer. Yes, it was a properly constituted meeting of the War Cabinet.

624. Can you tell us if the Foreign Office were represented by ministerial presence?

(Sir John Nott.) I think Mr Pym was in Washington.

625. Indeed. Was there another Foreign Office Minister there?

(Sir John Nott.) As far as I recall, there was not, but there may well have been the Permanent Secretary of the Foreign Office. You must ask the Foreign Office.

626. We know, of course, that talks were going on at the United Nations, because you have just mentioned that Mr Pym was there, and there may have been knowledge, although we are not very sure.

[Mr Spearing *Contd.*]

Mr Parkinson has mentioned that there may well have been other conversations, and I think you have agreed that there may well have been other conversations going on, although you may not have known the precise nature of the proposals. Would that be fair?

(Sir John Nott.) Yes, there may have been a lot going on that I did not know about.

627. You have just mentioned a few moments ago that when Rules of Engagement were changed, sometimes they were changed by a balance of consideration of the results that might ensue. What consideration was given to the major change at this time? Was any discussion given over to it?

(Sir John Nott.) On the Sunday morning when we met and changed the rules of engagement for the Task Force, the threat to the Task Force was so clear, it was so evident, that it overrode all our natural caution about possible future diplomatic negotiations. That morning when we all woke up, Argentinian propaganda was claiming, before we went to Chequers, that they had sunk *HMS Exeter*, that *Hermes* was on fire, that they had shot down 11 aircraft. It is beyond my comprehension (if I may add a little personal point) how anybody could consider the sinking of the *Belgrano* to have been an escalation of the conflict by the British. That morning the BBC was reporting that Argentina had sunk some of our ships. The previous day a submarine had fired a torpedo at our ships. They were largely undefended. How anybody can suggest that the change of Rules of Engagement was an escalation by the British, is totally beyond my comprehension.

628. If you will forgive me, that was not the question I was putting.

(Sir John Nott.) No, but I thought I would make that point!

629. I am grateful for that. But can I put this to you? At the very time at which you were meeting, or thereabouts, we read this in *The Times* of Monday 3 May, dated "Nicholas Ashford, Washington, May 2": "Mr Pym: 'No other military action is envisaged at the moment other than making the Total Exclusion Zone secure.' The bombing of the airfield had been intended to increase pressure on the Argentines to agree to a negotiated settlement." Can I put it to you that the likely result of changing the Rules of Engagement pulled the rug from under Mr Pym's feet?

(Sir John Nott.) You must ask Mr Pym if he felt that that was happening to him. I cannot answer for his feelings.

630. No, but I am putting to you, as a person of the War Cabinet who had been up till now very sensitive, as you yourself have mentioned, to progress on the diplomatic front, that—

(Sir John Nott.) But—

631. Can I just finish the question? Would you not think, were Mr Pym likely to make that statement, that that would cause great distress, in apparently two voices coming from the United Kingdom?

(Sir John Nott.) May I answer that in this way? If you or any other member of any political party or government had been in the position that *we* were in on the Sunday morning; had known that the Argentinians had claimed that morning that they had sunk our ships; had known that there had been a major attack on the fleet the previous day, and had then failed to allow the submarine to attack the *Belgrano* (which we believed at that time to be closing on the fleet), what would the history books have said of you, if in fact *Hermes* or one of the British ships had been sunk? There was no doubt in anybody's mind at all that our overriding duty was to protect the fleet at that stage, and I cannot conceive how any group of men would have ever conceivably taken any other decision. I just want to complete my comment. I really do not know what Mr Pym was saying in Washington. All I can tell you is what I knew and experienced, which was the sense that the Task Force was under grave threat and we had no choice whatsoever but to give it the maximum protection by allowing our submarine to attack the *Belgrano*.

632. I admit and agree with you that a balance of consideration was involved, of course, but this had not even been discussed, according to your evidence and that of Admiral Lewin, on the Friday; it had blown up within 48 hours. Can I also draw your attention to *The Times* of that same day which reports that "French and Dutch Foreign Ministers yesterday expressed extreme anxiety, and in Bonn the West Germans yesterday . . . this action had lost Britain much of its dwindling sympathy." So would you concede that there was a case the other way?

(Sir John Nott.) Is it seriously being

[Mr Spearing *Contd.*]

suggested that the sympathy of the Germans and the French would have been more important to us at that moment that the defence of our own ships and men?

633. No, I am suggesting to you that there was a balance of matters to be taken into consideration; and that from what you have told us, the overriding and only consideration was the one you have outlined. Would that be fair?

(Sir John Nott.) The overriding consideration.

Mr Harvey

634. Could you tell us what, in your view, was the nature of the specific threat posed by the *Belgrano*?

(Sir John Nott.) We had an intelligence assessment which led us to believe (the intelligence assessment was right), that the aircraft carrier was moving in towards the fleet from the north and the *Belgrano* and its escorts were moving in from the south. This was not just purely raw intelligence, it was an intelligence assessment which, as it turns out, proved absolutely correct. The belief, based on intelligence, that there was a pincer movement on the fleet; coupled with the fact that the Argentinians had launched a major attack on the fleet the previous day and, as I say, had claimed that they had sunk *HMS Exeter;* coupled with the belief that there was a submarine in the area (which we now subsequently know there to have been); coupled with the fact that there has been Argentinian reconnaissance of the fleet in earlier days; all these actions led us to believe that there was a determined attack pending, and, indeed, it had taken place the previous day on our Task Force. We ought to remember that there were—was it 10,000 or 28,000 men and women in the Task Force. The Task Force was strung out right across the Atlantic; it was not all concentrated within the defence of warships, because of the different pace of the ships we were trying to get there as fast as possible. A large number of the troop carriers and other ships were virtualy undefended, and we simply could not ignore any threat of the kind which developed on 1 May.

Chairman

635. Sir John, could you say what the climatic and other conditions were? Was it technically militarily possible for the Task Force to remain in the position that they were in on that morning, when you decided that the *Belgrano* must be attacked? Could they have stood there indefinitely, without further danger, or would they have had to take what kind of avoiding action?

(Sir John Nott.) I think it would have been possible for an order to have been despatched from Northwood to the fleet to tell it to stop where it was, but I think it would have been inconceivable in the circumstances, since it was absolutely essential that we continued to assert the maximum military pressure by moving towards the Falkland Islands.

Mr Mikardo

636. Sir John, a little while ago you told us graphically with a little heat about how you were all upset in the War Cabinet and took your decisions because you had heard on the radio that the Argentines had claimed to have shot down this, that and the other. Are you really seriously telling the Committee that the War Cabinet made its decisions on what to do next on the basis of an Argentine appreciation of the situation and not of a British appreciation? Did you not have any information from British sources which told you that those Argentine claims were invalid?

(Sir John Nott.) I was not upset. I was merely making the point that I and others had been accused of having caused an escalation of the war by the change of the Rules of Engagement to allow the sinking of the *Belgrano* and I was merely making the point that it is unclear to me why we should be charged with having escalated the conflict when the Argentinians themselves were claiming that they had actually sunk our ships the previous day. I explained earlier that yes, we did have information and we had intelligence which led us to take the action we did of changing the Rules of Engagement. We did not base it upon a BBC report, for goodness' sake. We based it upon the intelligence and other information that was in our possession.

637. I am delighted to hear that, Sir John, but that is different from what you said four minutes ago.

(Sir John Nott.) I do not think it is.

Mr Mikardo: And from what Admiral Lewin said several hours ago.

Chairman

638. Sir John, you made it clear as far as the Cabinet and as far as this country were concerned on 1 May that all sorts of hell was popping and, in fact, attacks had been made and reports had been made and the war had definitely started as far as you could see. Is that the impression I should retain from what was being said?

(Sir John Nott.) Yes.

[Chairman *Contd.*]

Mr Canavan

639. Sir John, as recently as September of this year—20 September, to be exact—in the Today programme on Radio 4 you said the *Belgrano* was equipped with Exocet missiles. Did you still genuinely believe that as recently as September of this year?

(Sir John Nott.) We were not sure whether the *Belgrano* was equipped with Exocet missiles or not. We do know that the Argentinians had put up mock-up Exocets made of wood onto the *Belgrano* in order to try and convince the Chileans that the *Belgrano* was armed with Exocet, and at the time that we took these decisions we genuinely did not know whether the *Belgrano* had Exocet or not. We knew the two destroyers accompanying her had Exocet. I think probably what I should have said on the Today programme—and I am sure you have never uttered an inaccurate word yourself—was that the escorts of the *Belgrano* had Exocet, although I must admit at the particular time we did not know whether the *Belgrano* had them or not. I think I should report a leak because my friends in the House of Commons have passed me from the copying machine a list of questions which Mr Dalyell was preparing for me to be asked. It was left in the copying machine and passed to me by one of my friends. If I could let you have a copy of those questions one of which has just been asked, you will see that leaks happen both ways. The handwriting, I think, will be known to you.

Chairman: Perhaps Mr Canavan will wish to refer to that.

Mr Canavan

640. Perhaps we can turn to the change of course of the *Belgrano* when the War Cabinet decided to authorise the sinking of the *Belgrano*. Were you personally aware of the *Belgrano*'s course?

(Sir John Nott.) No, I did not know the *Belgrano*'s course and I was not interested in it.

641. When were you informed, then, of the change of course of the *Belgrano*?

(Sir John Nott.) I do not think I was ever aware of the course of the *Belgrano*. I should have been maybe but I was not. I think I first learnt of the course of the *Belgrano* when I read, I think, the diary of a crewman of the *Conquerer* which was published in one of the Sunday newspapers. I believe that that was the first time I was ever seized of what the course of the *Belgrano* had actually been.

Mr Mikardo

642. But if you did not know what the course was how were you able to tell the House on 4 May that the *Belgrano* was "closing on elements of our Task Force"?

(Sir John Nott.) Because the latest information that was in my possession when I made that statement was that there was a pincer movement likely to be made on the fleet and it was based upon the intelligence assessment which was before us when we changed the Rules of Engagement. When I was asked by Mr Canavan the course of the *Belgrano* I thought he was referring to the fact that has now become evident that she had been on a course for 11 hours heading in some particular direction. The intelligence assessment we had in our possession was that the *Belgrano* was part of a pincer movement on the fleet.

643. That is a different point, with great respect. Words mean what they say. You told the House the *Belgrano* was "closing on elements of our Task Force", that is to say, it was moving towards elements of our Task Force. How could you say that if you were not informed at all, and did not care to be informed, as to which way she was going?

(Sir John Nott.) It is evident now with the benefit of hindsight that if I had used the words "in proximity" instead of "closing" that would have been a more accurate statement. I made that statement on the basis of the best knowledge that I had at the time, namely, that there was a pincer movement taking place against the fleet and it was quite natural, having that information, to use the word "closing". I now recognise that it was not, in fact, the right words to have used but I had no other motive than to try and give the House the best possible information that I had at the time.

Mr Canavan

644. But Lord Lewin was reported in *The Times* on 10 October this year claiming that: "I think it highly likely that Ministers were aware from a verbal report of

[Mr Canavan *Contd.*]

the course of the *Belgrano* when she was attacked but because it was not important it did not sink in." What do you think of that statement?

(Sir John Nott.) I do not recollect ever being told, and, indeed, I would not expect to have been told, because we did not change the Rules of Engagement because of any particular course that the *Belgrano* was on. That would have been absurd. Whatever the course the *Belgrano* had been on she could have turned round in one minute and headed off on a different course, so the course of the *Belgrano* was never relevant. I have often been asked, "Why didn't the Naval staff inform you of the course of the *Belgrano*?" Nobody would ever have considered it to have been of any consequence to the decision.

645. It was the evidence of the Prime Minister in reply to the other Members of the House that Defence Ministers were eventually informed in November 1982. Were you informed then about the change of course?

(Sir John Nott.) My understanding is that Peter Blaker, who was one of my Ministers in the Defence Ministry, answered a question in November and attached to the briefing notes that he had in November, after the conflict was over, were notes indicating the course of the *Belgrano* but I did not see those notes. No, I was not aware of the course of the *Belgrano*. As I say, I was first conscious of the course of the *Belgrano* actually after I had left Parliament and read this diary in one of the Sunday newspapers.

646. It is a very serious business for a Minister who is Secretary of State and Member of the War Cabinet to make a statement to the House of Commons which turns out to be untrue. The House was undoubtedly misled. In retrospect now, do you feel angry that your advisers did not, when the knowledge eventually came out about the change of course of the *Belgrano*, advise you and give you the opportunity perhaps of retracting that statement on the floor of the House of Commons, albeit belatedly?

(Sir John Nott.) No, not a bit. Why should I feel angry?

647. Because the House of Commons was misled by you.

(Sir John Nott.) It was not of any relevance at all to the decision or to the event. The course of the *Belgrano* was quite irrelevant to the decision to sink her—quite irrelevant.

648. But you made a statement to the House of Commons that was untrue.

(Sir John Nott.) Yes, I regret that I did not use the words "in proximity". I made a statement to the House which at the time I believed to be the latest and most up-to-date information that was available. I never in the subsequent months was aware of the course of the *Belgrano* and there was no reason to correct that. In the event, even if I had discovered the course of the *Belgrano* earlier and had then had the choice of whether to correct it or not, I do not think I would have even considered it of the remotest interest or importance to anybody. I really have to say to you that what I find astonishing about this particular incident—one incident out of many thousands that happened during those few weeks and which has now had the spotlight of the media for two and a half years —what I find amazing about it is that actually so few mis-statements were made. I can remember vividly the great difficulty in obtaining communications from 8,000 miles away in the South Atlantic. The communications system was heavily overloaded. There were pressures upon me to make statements every hour of the day to the world's press, to Parliament and to the media, who wanted constant information and the latest form every minute of the day, with the Argentinians pumping out propaganda. There were great pressures on me to make statements the whole time based on inadequate information. I regret—of course I regret—that I did not say "in proximity" rather than "closing", but I made that statement in perfect good faith, and actually it was of no possible importance.

649. Who drafted the statement?

(Sir John Nott.) I suspect that I did, But I cannot remember.

Chairman

650. Sir John, could we return to the movements of the submarine the *Conqueror* after the sinking? We understand that the *Conqueror* returned to the scene of the attack on 3 May. Can you remember why she did that, and who ordered her to do so?

(Sir John Nott.) That the *Belgrano* was ordered? I am sorry.

651. No, the *Conqueror*. The *Conqueror* returned to the scene of the attack on the *Belgrano* on 3 May. Can you remember why she did that, and if anybody gave orders for that?

(Sir John Nott.) I cannot remember, but I suspect it was to see if *Conqueror* could help find survivors. But I cannot answer that question.

652. There was an instruction not to sink ships searching for survivors, but only issued on 4 May. Can you tell us anything about that?

(Sir John Nott.) No. I understand that that was an instruction given by Northwood.

Mr Mikardo

653. That means, does it not, Sir John, that when *Conqueror* went back on 3 May she was still operating under Rules of Engagement which would have entitled the captain, if he had caught up with the destroyers, to sink them?

(Sir John Nott.) As far as I recall, yes.

Mr Mikardo: Thank you.

654. Did you have any information, at the time, as to whether the escorts to the *Belgrano* stayed with her, or did they make off?

(Sir John Nott.) No. We had no information at the time. This was a fast-moving situation, we had changed the Rules of Engagement and we had hundreds of other matters to consider. I think it was on the same evening I made my statement that *HMS Sheffield* was sunk. It was fast moving, and there was a tremendous amount going on. We were not, on the whole, jobbing backwards and holding post-mortems on things that had already happened.

655. I think I can take it from your previous replies, but do you take the view that the sinking of the *Belgrano* was an event which was a crucial watershed in the relations between the United Kingdom and the Argentine at that time; and that peace negotiations were made impossible as a result of it?

(Sir John Nott.) No.

Mr Spearing

656. Can I revert to a question I asked Mr Heseltine, Sir John? In paragraph 17 of the Franks Report it makes it clear that between 3 and 7 February Lord Carrington asked to see you and discuss the whole matter of preventing what did occur, but you declined, and instead, I think, a correspondence ensued. Can you comment on that at all?

(Sir John Nott.) I did not know we were re-examining the Franks Report. If you want me, Chairman, to go back on the Franks Report, I am happy to do so. I would never have declined to see Lord Carrington. We met almost daily, in any event. I could hardly decline to see a senior colleague whom I met almost daily in meetings, formally and informally.

657. I will not follow that, in view of the range, except that I would ask Sir John to read that paragraph in Franks and perhaps communicate with us if he feels it is unfair in himself.

(Sir John Nott.) I suspect that that was in relation to whether we reprieved *Endurance*—that particular paragraph —was it?

658. Can I come on a bit further to what we heard from Lord Lewin this morning? He said, in relation to your comment about knowledge of weeks, that it was about two weeks, I think, from the iron men. But we read, again in Franks, that on 1 March there was a unilateral statement from Buenos Aires which was out of line with what had been agreed with Mr Luce in New York, and the Prime Minister wrote: "We must take contingency measures." So there was perhaps a bit more than two weeks' preparation for what occurred. Would that be a reasonable assumption?

(Sir John Nott.) I would have to read the Franks Report again to answer your question. I have put the whole of the Falklands behind me; for me, it is part of British history. As for the era leading up to the landing of the scrap merchants, I really would need to refresh my memory from the Franks Committee Report.

659. I will not press it, except to say that the quote was: "We must make contingency plans." The Prime Minister wrote that somewhere between 1 and 4 March. Finally, if I may return to a phrase which Sir John used a little earlier. He said: "the decision to sink the *Belgrano*", but there has been some difficulty in defining that, because, as I understand his evidence and all that we have heard from Lord Lewin, the War Cabinet only changed the Rules of Engagement?

(Sir John Nott.) Yes.

[Mr Spearing *Contd.*]

660. So the signal that was sent from Northwood to the submarine was presumably not only that the Rules of Engagement has changed, but a specific order from Northwood. Is that reasonable?

(Sir John Nott.) I think that I probably did not phrase my reply to you awfully well. The change in the Rules of Engagement were permissive; they allowed the captain of *HMS Conqueror* to attack the *Belgrano*. We knew that *Conqueror* had detected the *Belgrano*, and if *Conqueror* did not lose the *Belgrano* we assumed that on the changing of the Rules of Engagement *Conqueror* might be successful in sinking her. But it was a change in the Rules of Engagement which permitted an attack on the *Belgrano* by *Conqueror* or, indeed, on any other ship.

661. So you are telling us, Sir John, that as far as the War Cabinet was concerned, there was a permissive decision and (subject to anything which you might look at) Northwood passed on that permission to the commander of the submarine. But you have told us a little while earlier that you were very, very concerned about the *Belgrano*. Are you now telling us that there was no specific order from Northwood?.

(Sir John Nott.) I think this is not really a very— We knew in the War Cabinet that the *Belgrano* had been found. We had been requested by the Force Commander, Admiral Woodward, to change the Rules of Engagement to permit an attack by *Conqueror*. We did that knowing that the submarine still was following the *Belgrano*, and from that decision must have flowed the possibility that the *Belgrano* would be sunk.

662. Yes, but as the finding of the *Belgrano* and assessment of its threat was such an overriding matter, as you have vividly described, would not one suppose that at least Northwood would have sent a signal to the commander: "Sink the *Belgrano*"? Yet you are telling us that that was not the case.

(Sir John Nott.) That is not the way it works. All these matters work by changes in the Rules of Engagement under which operational commanders perform. I think one ought to make the point that the attack by a nuclear submarine on the *Belgrano* was an extremely hazardous operation. There was no possible way in which we could anticipate success. Indeed, we knew that the *Belgrano* was escorted, and this was a very hazardous operation and dangerous operation for *Conqueror*. I do not think we assumed that any mission was necessarily going to be successful.

663. No, I do not think anybody could, particularly in view of the difficulty of torpedoes and what they do. But can I get it absolutely clear, Sir John? The point is, is it not, that what you have told us is that as far as your knowledge goes (and I would imagine you had checked on this), Northwood did *not* send a specific signal: "Sink the *Belgrano*", it gave the information to the submarine commander that the Rules of Engagement had been changed, which allowed him to do so if he thought safety, sea range, whatever, required it; is that correct?

(Sir John Nott.) I have no idea. I know that we changed the Rules of Engagement, and I know that they were transmitted to the submarine commander. Whether there were any further signals between Northwood and the *Conqueror*, I have no idea.

664. Therefore, what you are telling us is that Northwood simply sent the signal: "Change the Rules of Engagement to X, Y, Z" (or whatever shorthand means there were); that discretion was left to the commander sitting 200 feet below the surface of the Atlantic? Would not that be the case?

(Sir John Nott.) I do not really think I can add anything more. I think I have told the Committee as much as I can.

Mr St. John-Stevas

665. Really, Sir John, the essence of your position is that once the Task Force had been despatched on the high seas, backed virtually unanimously by the British Parliament, the paramount duty of the War Cabinet was to see that every major step was taken to protect the lives of the men and the existence of the ships, and you are satisfied that the *Belgrano*, whatever way it happened to be moving at any one moment, constituted a threat to the Task Force and the authorisation to the *Conqueror* on the spot was one which was justified by the threat that the *Belgrano* posted?

(Sir John Nott.) Certainly.

Chairman

666. Sir John, I wonder if there are any questions which you wish we could have asked you?

[Chairman *Contd.*]

(Sir John Nott.) The only question is I hope you will not require my presence a second time, but naturally if you do so I shall come in good humour. Thank you very much.

Chairman: Thank you very much indeed. It is very kind of you to come and it is very helpful.

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APPENDIX 1

EXTRACTS OF MINUTES OF EVIDENCE TAKEN BY THE FOREIGN AFFAIRS COMMITTEE IN THE COURSE OF ITS ENQUIRY INTO THE FALKLAND ISLANDS IN SESSION 1983–84 RELATING TO THE EVENTS SURROUNDING THE WEEKEND OF 1–2 MAY 1982[1]

WEDNESDAY 4 APRIL 1984
(Evidence heard in private)

SIR NICHOLAS HENDERSON, GCMG was called in and examined.

Chairman

256. ...

257. No, we realise you are not in an official position. Indeed, that is perhaps one of the reasons we were emboldened to ask you to come. Could I start off with a couple of questions. In your *Sunday Times* article in January 1983, a copy of which the Members have, you reported Mr Haig's view that his shuttle diplomacy after the outbreak of the Falklands war provided the evidence of Argentinian intransigence required to shift the US administration to a pro-British point of view, and without this evidence "the British would not have secured the US support that they did". At the time of the Argentine invasion, how confident were you that the US would eventually swing round to open support for Britain?

(Sir Nicholas Henderson.) You have perhaps seen very recently that Haig's book is being published in instalments in the *Sunday Telegraph* and in *Time* magazine and he gives a good deal of information himself on the uncertainty of opinion, especially in the higher ranks of the US Government, at the time, and at one moment in that he says he was alone in the State Department in believing that we could succeed. There were really two elements, I think—those who had doubts about our ability to achieve our ends by military means if we could not get a negotiated solution and those who in any case did not think the thing was worth a battle, above all, wanted a diplomatic settlement, thought everything should be done by the United States and we should do nothing which might jeopardise the US mediation. To answer your question briefly, I was not at all sure at the beginning of April we would be able to secure the sort of US material support we got.

258–262. ...

Mr Canavan

263. What was the US Administration's concept of the strategic military importance of the Falkland Islands and do you think that had any bearing at all or any influence on their attitude at the outset to the conflict?

(Sir Nicholas Henderson.) When you say the US Administration, I am sorry to be pedantic but there is the Pentagon view, the State Department view and the White House view. This is the problem about the US Government. It is an extremely interesting but difficult question you ask. Was there a US view about the importance of the South Atlantic from the defence point of view? As you see from Haig's book, he has produced an extraordinary statement which I was not aware of at the time. I saw him every day for 74 days or spoke to him on the telephone several times. He never intimated to me what he said in his book, that the Russians, according to the Argentines, had offered to sink one of our carriers. What is undoubtedly fair is that Haig himself and the White House people were always afraid that if the Argentines won * * *, the Soviets would manage to gain considerable credit for this having come about, whether because of indirect aid or intelligence provided or moral or political backing, and this would have had a widespread and deleterious influence throughout Latin America for the United States. That was the American view. Certainly Haig said to me almost every time he saw me that one of the things that worried him about it, whatever the outcome, or particularly if there was a prolonged conflict, was the increase in Soviet influence that would be derived from it. It was a constant preoccupation, but whether that derived from a thought-out idea of what the Russians might do I rather doubt, frankly. We never know. When I say "we", I do not know exactly to this day what the Soviets were doing there with their ships and aircraft, how far they did help. I do not know the answer to that.

264. ...

[1] HC (1982–84) 268-iv to vi, and viii.

18

Mr St John-Stevas

265. What, in your view was the crucial turning point or the crucial turning factor leading to the declaration of 30 April? What was it that caused the US to abandon their previous position?

(Sir Nicholas Henderson.) Perhaps I could say—and this is not actually answering your question, nor is it perhaps my business to say so, but it might interest you—I am not quite sure that we would ever have had the Americans supporting us as they did if it had not been for Haig. Weinberger was giving us a great deal of support—I can tell you about that—on the military side but the clearcut decision of 30 April to come down on our side came about—and now I am getting to your question because this is what led to it—because the Americans had persuaded themselves that there was no chance of the Argentines accepting any reasonable negotiated settlement. We had shown, reluctantly but we had shown, a readiness to accept a negotiated outcome and the USA decision to come down on our side was not apparent, self-evident, until after Haig's long role in these negotiations and the final Argentinian rejection of Haig's proposals at the end of April. They were very reluctant to do it, very reluctant.

266–269. . . .

Mr Spearing

270. You mentioned in your *Economist* article the incidents relating to the *Belgrano* and in particular the Peruvian initiative which came up a day or two before that incident. You are well-quoted in a book which has been published and authored by Mr Rice and Mr Gavshon. They describe what they believe took place in the critical period on Sunday, 2 May, and they mention this on page 92, where they believe that Mr Pym and Mr Haig were together, or at least very close, at the time when the Belaunde proposals, which are set out in the book in detail, were considered. You do not go into that in complete detail in your article except that you deal with the telegram. Is it within your knowledge that Mr Pym was with Mr Haig and can you tell us more about the events of that day?

(Sir Nicholas Henderson.) Pym and Haig saw each other alone between 10 and 12 on that Sunday, 2 May, and they came to lunch afterwards with me. They were alone for those two hours and, therefore, all I know is what Pym told me and what Haig told me and from neither did I gain any impression that there was anything in the nature of a clear-cut Peruvian plan that had got any further forward or was all that different from various schemes that Haig himself had put forward and that had been categorically rejected by Argentina. I think there was nothing in that, but I must not speak for Pym because he was alone there. I think Pym felt there was nothing by noon that day, that Sunday, that would have justified a telegram or telephone call to London saying that there was a major breakthrough. Nothing.

Mr Mikardo

271. But Haig has said, speaking of that same time of which you are speaking, that Belaunde Terry had gained acceptance in principle from both sides of the proposals he was putting forward. I have two questions on that, if I may. Was Belaunde Terry, as I understand, directly in negotiation with the Argentine Government and the UK Government because, if that is so, why was it necessary that the last proposals to come from Belaunde Terry should have had to go through Haig? My second question is, how does that impression you got of the two-hour Haig/Pym conversation fit in with Haig's saying, or now writing, that Belaunde Terry had got agreement from both sides for the proposals he was making?

(Sir Nicholas Henderson.) Does Haig say that? Did he say he got agreement from both sides?

272. Yes, he said it in a piece which was in the *Sunday Telegraph*.

(Sir Nicholas Henderson.) As you have seen, he has come out with a denial and the dates are completely wrong on that. He has the dates two days wrong and they have admitted that is a mistake. Might I answer your first question about the Belaunde proposals. My impression is that Belaunde did indeed have some proposals which he put to the Argentines on that 2nd May. He did not put them to us. They never came to us until later and we had a man in Lima. * * * What Haig said to Pym was that there were certain ideas being thought about, more or less on the lines of his scheme, that they would be much more likely to be successful if it was the Peruvians putting them forward, but Haig did not suggest to Pym there was anything in the nature of a hard-and-fast scheme.

273. Can I quote the piece to you to get you reflections on it. He says: "Speaking over an open line, we worked all day on a new draft. Belaunde believed . . . "

(Sir Nicholas Henderson.) Can I get this "we" clear. It is not Haig. Haig was with Pym. I think the "we" is the characters in the State Department.

274. I think that is right. "We worked all day on a new draft. Belaunde believed that the proposals had become too complicated. 'Simplify,' he said, 'and we can still do it.' Finally, largely due to Belaunde's gift for clarification, we reduced the proposals to five simple points. He presented these to both sides and encountered, as he said, a certain obstinacy of the Argentines. Nevertheless, he gained acceptance in principle from both parties."

(Sir Nicholas Henderson.) That does conflict with my information. We had nothing direct from Belaunde at that stage, nothing, and I was seeing the communications from Lima.

275–283. . . .

(Evidence heard in public)

Mr Lester

284. . . .

285. It has been frequently suggested since April 1982 that the Argentine Junta would not have embarked on the Falklands invasion unless they believed the USA would, at worst, remain neutral and the US would give neither political nor material support to the United Kingdom. If this was so, was it because the Argentine regime misinterpreted the signals coming to them from Washington or because the signals from Washington were either muddled or misleading or both?

(Sir Nicholas Henderson.) This is a very difficult question to be categorical about. Haig in his book, which has not been published but extracts of which have been published, suggests that Buenos Aires may have been getting false signals from Washington. I think there is no doubt about it that Galtieri and the Junta, particularly the Navy, did misjudge our likely reaction. How far they were encouraged to do so by their reading of what the Americans would do is, as I say, a difficult thing to give a categorical view about. It may have been an element.

286–301. . . .

Mr Mikardo

302. Do you think that the attitude in any future talks might be a bit shadowed, a bit blighted, by what they believe, rightly or wrongly—it is a matter on which there is conflicting evidence—was an improper reaction by Great Britain to the Peruvian peace proposals?

(Sir Nicholas Henderson.) I have no evidence that in Argentine opinion at the present time there is a great bitterness and belief that because we did something with the *Belgrano* that somehow sank the chances of negotiation. I do not think they think that. I would think the general sentiment in Argentina was that they made a tremendous mistake in resorting to military force in a way in which they could not succeed, and there is no doubt about it, in my view, that as a result of the use of military force by them and our need to repel it, the situation is more difficult to deal with than it was, not easier.

Mr Canavan

316. Mr St. John-Stevas referred to the hard work you did in trying to get a negotiated settlement. How then did you feel after all that hard work and effort you put in on receiving the news about the sinking of the *Belgrano* and the effect that would have on the chances of getting a negotiated settlement, particularly bearing in mind that the Peruvian peace proposals were under active consideration at least by the Argentinians at that particular time?

(Sir Nicholas Henderson.) I do not want to repeat what I have said or written. I do not think that at the time of the sinking of the *Belgrano* there was anything in the nature of a scheme that the Argentinians had accepted or were likely to accept, certainly not one that had been put to us. There were certain ideas which we had had, which Haig had had, but there was no sign of any kind that we had that they were any more ready at that time to accept it than they had been previously, and probably the sinking of the *Belgrano* set back for some time their readiness to go on talking in some form but it did not really put an end to such negotiations as they were ready to undertake. They were just as active, for example, in the United Nations, where the focus of interest switched to in the middle of May. The Argentinians were just as active, or inactive, whichever way you want it, in the negotiating field as they had been before, but my own personal view —and it is a very personal view—is that a military solution was not the best solution; I though if we could have a negotiated settlement it would have been much better in the long run for both of us. But I personally never believed the Junta with their intensity and excitement and irrationality and lack of organisation were capable of bringing off a satisfactory negotiation.

317. Did you personally feel surprised or shocked on receiving the news about the *Belgrano?*

(Sir Nicholas Henderson.) No, I was not, because we had issued on 23 April a perfectly clear declaration that any Argentine ship or aircraft that could pose a threat to our forces was likely to be attacked. I was not at all surprised. Of course, I regretted the loss of life and the fact that that was what war meant but it was inherent in the action in which we were both engaged.

318–329. . . .

WEDNESDAY 11 APRIL 1984
(Evidence heard in private)

SIR ANTHONY PARSONS, GCMG, MVO, MC, was called in and examined.

330–343. . . .

Mr Thomas

344. Could I ask you one question? We have heard several second-hand accounts of the Secretary-General's negotiations during May 1982. The Secretary-General himself told our predecessor Committee that Britain could be proud of her diplomatic team in New York. He stressed his belief that the United Kingdom had, throughout the negotiations, been serious and eager to reach agreement, and genuinely flexible in its approach. Was it your impression that the Argentinian Mission was equally serious about trying to reach agreement?

(Sir Anthony Parsons.) It was very nice of the Secretary-General to say those things. I reciprocally thought that no one in the world could have handled the exercise with more skill and tenacity, and that if he could not have succeeded, nobody could have, as it were. I had, of course, no direct contact with the Argentine Mission, although the Argentine negotiator—Enrique Ros—was an old friend of mine from his UN days (the Deputy Prime Minister). I felt that Enrique Ros was a very serious man and was doing his level best. My feeling was (again, with no evidence to support it) that when he sent back whatever he sent back to Buenos Aires, it disappeared into a heaving quicksand; and that he found it extremely difficult to extract anything coherent. To give one example, we made clear at the outset that we would not negotiate on any of the specific draft provisions of the agreement, until we had an absolutely cast-iron assurance from Argentina that the outcome of the diplomatic negotiations to reach a final settlement, envisaged in the negotiations, would not be prejudiced before the outset (that is, that they would not be simply a mechanism for transferring sovereignty to Argentina). It took us a week to start with to get such assurances, and eventually we did get one which seemed wholly satisfactory, but by the time they responded finally to our last set of proposals, that assurance which we had had through the Secretary-General, perfectly clearly in writing, had totally disappeared, so it emerged at one point from the quicksand and had sunk down again in another part of it.

(Evidence heard in public)

345–349. . . .

Mr Canavan

350. To what extent, if any, was the United Kingdom's diplomatic advantage weakened by the allegation that the sinking of the BELGRANO had been deliberately undertaken to scupper the Peruvian peace proposals?

(Sir Anthony Parsons.) I can only speak from memory. What I am saying is absolutely my honest memory. There was distress in the United Nations when the news of the casualties from the sinking of the BELGRANO came in. To some extent, this distress was offset when the news of the casualties from the sinking of the SHEFFIELD came in a few days later. But as regards the effect on the negotiations, I genuinely do not remember there being one. We had reached the point where, as far as the United Nations' perception was concerned, the Haig negotiations had failed, and everybody in the United Nations (I am talking about the Security Council and those outside it who were most closely involved) was confidently expecting the Secretary-General to take over the baton. This had been expected for some time. There had been a feeling in the Security Council that the Secretary-General should have been "in the act" before, but that it was right that he should wait until Haig had failed. So as soon as Haig admitted failure, the anticipation in the UN was that the Secretary-General would take over. The Peruvian proposal scarcely surfaced in the consciousness of the delegates in the United Nations, in the Security Council. The Secretary-General's initiative overrode the gap, after the end of the Haig negotiations. I do not believe, against that background, that the sinking of the BELGRANO had any effect; I certainly do not recall it.

351. From your own personal recollection of what was going on either at the United Nations or behind the scenes, would you care to comment on what seems to be an inconsistency between the published accounts of General Haig and Sir Nicholas Henderson, regarding the timing of the Peruvian proposals and the BELGRANO incident, and whether or not there had been agreement in principle, by both sides for the Peruvian initiative?

(Sir Anthony Parsons.) Being retired, fortunately or unfortunately, I do not have to read these published accounts, and I have read neither what General Haig said nor what Sir Nicholas Henderson has said, but I can give my own recollection. It was Sunday, 2 May. The Foreign Secretary was due to stay with me that night. He was coming from Washington to have a working dinner with the Secretary-General, to talk about an initiative, a negotiating initiative which we knew the Secretary-General was on the point of launching. As far as I can remember (but my memory may be wrong), I think that the Foreign Secretary arrived in my flat at about six o'clock that evening, or maybe a bit later. The Secretary-General arrived probably at about eight o'clock that evening. We had a long working dinner which broke up, I would think, about 11.30 or midnight. During that time I do remember some talk—not very specific—about Peruvian proposals. Perez de Cuellar knew virtually nothing about them. My impression was that they were fairly much in a heads-of-agreement form rather than a detailed form. I recall bits of Reuters and other press agency reports being brought to us as the evening went on, which made reference to these proposals. I remember when we left the building, when Perez de Cuellar went home and we saw him off on the doorstep, there were a lot of press people outside who were asking questions about the Peruvian proposals. But the whole focus of that evening, as far as *I* was concerned, was on Perez de Cuellar's initiative—and indeed, *his* mind was totally focused on it. I do not suppose that the Peruvian proposals took up more than a few minutes of discussion throughout the evening. We were concentrating our minds on the Secretary-General's initiative

352. So you do not recollect whether the Peruvian proposals were even under active consideration by both sides, or had been agreed in principle by both sides?

(Sir Anthony Parsons.) No, I am sure that I would recollect if they had been agreed in principle, putting it as strongly as that. I simply remember being told about them, seeing one or two press telegrams throughout the evening, a certain amount of discussion. My recollection is that they were fairly—I cannot think of the right word—"skeletal" is perhaps a rather offensive word, but they were not in filled-out form; that they did not seem to differ all that much from the proposals which Haig had been canvassing at the end. But, as I say, all of us—the then Foreign Secretary, Mr Pym, myself and Perez de Cuellar—did spend the whole evening discussing the Secretary-General's initiative; indeed, Mr Pym and I, in discussion before Perez de Cuellar arrived, spent our whole time really focusing on the UN Secretary-General's initiative.

Mr Thomas

353. Sir Nicholas told us that the heads of agreement—or whatever were proposed in the Peruvian proposals—were not very novel, and that there did not appear to be anything there which would have been very different from those matters which had been suggested before and which had not produced agreement (in fact, which had been rejected by the Argentines). What is your view about that?

(Sir Anthony Parsons.) All I can add is that the Secretary-General himself is a Peruvian. He and his team had been following this crisis minutely from the very opening minutes. He was concerned not so much with his own prestige and being the person who "delivered the goods", but with a peaceful solution to the problem. If he had felt that the Peruvian proposals were in such an advanced form and of such a nature as to stand a strong chance of producing the right result, I am perfectly sure he would *not* have put forward his own proposals; he would have said, "Let these have a chance, and I'll stay in the background." Throughout that whole evening I have absolutely no recollection of that thought ever being voiced by anybody round the table.

354. How close to agreement do you believe the two sides came during the negotiations conducted through the Secretary-General in May 1982? The

British view has been expressed that the negotiations had collapsed because of Argentine intransigence. Was that view widely accepted at the UN?

(Sir Anthony Parsons.) My own level of optimism and pessimism rose and fell through those very, very intensive negotiations. By the time I flew home for the final weekend of consultations, on 15 May or so—I felt that we were reasonably close on the principal issues; that nothing much except details separated the two sides on, for example, mutual withdrawal and various concepts of *that* kind. I felt that having got this assurance, after four or five days of negotiating, that Argentina would not regard the outcome of the diplomatic negotiations envisaged in the draft agreement as being prejudiced, before the outset, in their favour, was a major step forward. When I presented our final proposals to the Secretary-General, I genuinely felt—and felt very strongly—that these did form an eminently reasonable basis for a peaceful solution. Although, of course, I cannot speak for the Secretary-General in his absence. I felt, from *his* reaction, that he felt exactly the same. Over the next 48 hours when we were waiting for the Argentinian reply my feeling was that they would be mad not to accept our proposals. My reasoning told me this but my instinct told me from previous experience that they might find it in Buenos Aires simply impossible to get that form of coherent act together. I must confess, when I went down late on Wednesday evening, midnight by this time, to the Secretary-General to receive his briefing on the Argentinian reply which was still a long document in Spanish, it had not been translated, and after he read out to me two or three paragraphs, I was enormously disappointed because I realised all the distance I thought we had made had been illusory and, in fact, we had not moved off the starting point.

355–376. ...

MONDAY 11 JUNE 1984

THE RT HON FRANCIS PYM, MC, a Member of the House, was examined.

Chairman

377. Mr Pym, the Committee has taken up again its examination of the events of the Falklands affair and intends to report to the House what we think future policy should be. We are very grateful to you, one of the main actors in those days, to have consented to come and give evidence about it. Perhaps I could start off the questions by asking about the negotiations during the war. Much has been written and said about the various negotiations which took place following the invasion in April 1982. Did you at any time during the period of the Haig negotiations—that is to say up to 1 May 1982—or in the period of the United Nations activities—that is to say, from 3 May—ever feel that you were genuinely close to an agreement with the Argentinians?

(Mr Pym.) I was always hopeful. It was always possible that some chain of events in Argentina might conceivably lead to a settlement at the end of the day but I am bound to say that my hope was never very great because of the political circumstances in Argentina, the unstable regime and the extraordinary steps they had taken in invading the Islands. It did seem, on the face of it, rather difficult to visualise them doing what would amount to a complete somersault. Nevertheless, in pursuit of a whole series of negotiations over a long period of time I certainly did have the hope that somehow, at the end of the day, we might be able to achieve something which could mutually prevent any further military action, but it did not happen.

378. What ultimately was the reason that the Haig and the Secretary General of the United Nations negotiations both failed?

(Mr Pym.) I think because the Argentine Government was not in a position to do a deal. They had excited the people of Argentina in a very major way as we saw on our TV screens and I think it would have been very difficult for them to say they had come to some agreement which would seem to be disappointing to their people. It was also realised that their Government was in rather a confused state. General Galtieri was not able to take decisions on his own. He had to discuss things with the Junta and even they were not all agreed. The heads of the different services were disagreeing with each other about what to do so we were dealing with a very unstable, insecure regime and I think it was very difficult for them to come to an agreement. They were excited by what they had achieved and they thought that they had at last obtained something they had longed for for a long time and I think it was not politically possible for them to come to an arrangement which the British Government and the rest of the world thought was very reasonable. I have in mind the proposals that the British Government put before the United Nations on 17 May.

379. That would apply to both the Haig and the United Nations Secretary General. You make no distinction between their efforts, in a way? They were equally damned, so to speak, by the circumstances?

(Mr Pym.) No, the experience was that they rejected every proposal that was made. There was a period in early May when the Argentines claimed to have accepted the Secretary General's proposals but we were very sceptical about that. In practice, they never did. They never would fulfil Security Resolution 502 to withdraw as a basic starting position. That was really the trouble. The thought of withdrawal was more than they could stomach. That is speculation on my part; I have no direct contact with them to know what the answer is, but that is my opinion.

Mr Canavan

380. Can we turn to the events of 1 and 2 May 1982 and explore them in a little more detail? I understand you arrived in Washington on Saturday evening, 1 May. From the Panorama programme, there appears to be a contradiction between your account and Mr Haig's account as to whether there was contact, either personal contact or contact by telephone, between yourself and Mr Haig on the Saturday evening. Either there was contact or there was not. Would you elaborate?

(Mr Pym.) There was not.

381. You are absolutely certain of that?

(Mr Pym.) I am quite certain.

382. Neither personally nor by telephone?

(Mr Pym.) No.

383. The first contact that you had with Mr Haig was the following morning, the Sunday morning, when you met at 10 o'clock, I believe?

(Mr Pym.) Yes.

384. Did he immediately launch into the Peruvian peace proposals? Was that the main item on the agenda of the meeting?

(Mr Pym.) If not immediately, at a very early stage he started to talk about these proposals. Let me remind the Committee, if I may, of the thinking behind this visit. Two days before the Argentines had turned down the Haig proposals and the day before the President of the United States had come down in Britain's favour to the extent that they were going to give us a certain amount of help with the operations that would eventually follow. The purpose of my visit was to take stock with the Secretary of State of the United States on the new situation which had been created by the rejection of his proposals by Argentina and see how we could carry things forward. That was the purpose of the visit. So, when we met together, yes, he outlined these proposals and said that he had talked to Peru and here were a new set of possibilities, which we discussed.

385. By "he", you mean Mr Haig?

(Mr Pym.) Yes. He had discussed with Peru, but I must reiterate to the Committee what they know: that these were only outlines. It was not in any way a developed series of proposals. It was, as it were, headings of possibilities for the future, so of course I discussed those at considerable length with the Secretary of State. In addition to that, to answer your question, we did of course review the whole position that followed from the rejection of his proposals by Argentina. We reviewed the diplomatic state of play, the economic situation; we discussed, for example, the sanctions which the European Community had decided to apply. We also considered the military aspect of the position and what was happening to the Task Force and what might unfold in the future. In other words, we had a very wide-ranging review of the situation as it was at that time.

386. How acceptable were the Peruvian proposals to the United Kingdom, bearing in mind what Haig said afterwards, that they had been agreed in principle by both sides?

(Mr Pym.) They had not. There were a number of aspects of the proposals or the outline of the proposals that would not have been acceptable to the United Kingdom but I think it is truer to say that none of the proposals and none of the headings had been developed to a sufficient extent to be able to say whether they were acceptable or not, but there were in principle difficulties about some of the headings. That is the answer to your question.

387. After lunch on the Sunday, Haig tried to telephone you before you left for New York. I understand that you asked the British Ambassador, Sir Nicholas Henderson, to take the telephone call. Why was that?

(Mr Pym.) We had this discussion which

I have just described on the Sunday morning for a couple of hours. After about an hour's pause, the Secretary of State came to lunch in the British Embassy, Washington, where we further reviewed the whole scene as it was and how we were going to continue in the future. We parted over lunch, I shortly to go to New York to see the Secretary General and review the position with him. For some reason, the Secretary of State rang just as I was leaving to catch a plane, amongst other things, to stress the importance of these proposals. I authorised the Ambassador to reply saying that he need have no doubt whatsoever about the importance that I attached to them or indeed to any other initiative that was going to be taken to prevent the war from continuing. Indeed, I was on my way to the United Nations to discuss further proposals with the Secretary General that very afternoon and I authorised the Ambassador to say that he need have no doubt on that score.

388. Why did you not take the telephone call personally?

(Mr Pym.) I did not want to miss the plane. I was going on a commercial flight and I knew what the message was. We had been together all day and that was the sense of the Secretary of State's message and the sense of my reply.

389. But there is a regular shuttle service from Washington to New York, is there not?

(Mr Pym.) There was no point in putting the flight off. I regarded my meeting in the United Nations as extremely important. There was no set of proposals or anything on the table of a kind that was even leading to peace negotiations such as I have been describing. We had been discussing, amongst many other things, the outline of a possible future proposal and Mr Haig had himself said on more than one occasion, in the course of the day, that these proposals needed much further work and much more clarification. Those were his own views about it, so that is the position.

390. Did you know at this time what was going on back in London about the request for the change in the rules of engagement?

(Mr Pym.) No, I did at some moment know there was a change in the rules of engagement which was a reasonably routine practice. It happened quite a number of times in the course of the war and there was nothing untoward or peculiar about that. I certainly regarded it as a decision taken by the War Cabinet.

391. At what time on the Sunday did you know of the request which was being considered by the War Cabinet about the change in the rules of engagement?

(Mr Pym.) They did it and they told me they had done it. Whether they did it before I left Washington or in New York, I am sorry, I would have to check the record[2] but it is not really relevant, if I may say so, to this line of argument because it was one of many changes made in the course of the war and one that, in my absence, I would certainly support the War Cabinet in making.

392. I understand that when you eventually returned to London after your visit to New York, you had a conversation with Mr Ted Heath, the former Prime Minister. Would you care to elaborate on that?

(Mr Pym.) I do not recall. I may have done but I do not recall it. If he did come into my room to see me, no doubt I would have told him, so far as I could, what the present position was, but I do not recall it.

Mr Spearing

393. You have just reaffirmed the point about the telephone call and the taking of it by Sir Nicholas Henderson but was it a misprint in the *Daily Mirror* of 20 May 1983 where you, in your reply to Mr Foot, say, "We did see each other later that day, over lunch at the British Embassy, and spoke again on the telephone before I flew to New York . . ."?

(Mr Pym.) Yes, my recollection was that I authorised the Ambassador to speak on my behalf.

394. Were you aware of the extent to which Mr Haig had been on the telephone over the previous night—that is, the Saturday/Sunday—to President Terry?

(Mr Pym.) No, except that he said himself to me that he had been in touch on a number of occasions by telephone with Peru.

395. But it was during that night?

(Mr Pym.) That I do not know.

396. When you replied to Mr Canavan you said that you were not informed of the change in the rules of engagement maybe until you got to New York. I take it then you could not have been consulted about them?

(Mr Pym.) No, I was not; nor would I expect to be. When you are talking about wars and people's lives are at stake, War Cabinets are there to take decisions, and if one member of the War Cabinet is not present there for one reason or another, and I was absent sometimes on missions to try to find a peaceful settlement, they could not possibly wait for telegrams of an obviously very secret nature to be transmitted, and to be involved as though one was in the War Cabinet when one was in the United States. I had absolute confidence in them and they had absolute confidence in me, and we were both fulfilling our responsibilities.

[2] *Note by Witness:*
I have now checked the record. It does not show the exact time at which the message was telephoned to the British Embassy in Washington to inform me of the change in the rules of engagement. In any case, I did not take the telephone call personally. But I am now clear that the call was made during the morning, Washington time on 2 May.

397. But if, as we might suppose, the defences and the diplomatic approaches of the British Government went hand in hand, might one not suppose you might have been consulted on what turned out to be such a significant decision?

(Mr Pym.) I do not think it was. It was a significant decision of course; any decision of that kind is significant. But one must not get it out of perspective. The decision taken in relation to the event you are referring to was a military decision, at least it was based on military grounds, and it was the correct decision. But you cannot have a War Cabinet that is dependent for its conclusions on sending telegrams to people who are absent all the time.

398. Were you aware of the reasons for the change when you were made aware of them later in the day?

(Mr Pym.) No, I had a telegram stating that this change had been made.

399. Finally from me, you have referred to the fact that the Peruvian proposals were not sufficiently firmed up, but in the publication *"The Sinking of the Belgrano"* by Desmond Rice and Arthur Gavshon, they allege a conversation between President Belaunda Terry and President Galtieri at 23.30 Lima time—that the seven points which they print on page 84 of their book were in fact part of a conversation. Was it those seven points as spelled out there which in your view were not sufficiently developed?

(Mr Pym.) You talk about 23.00 hours—was it Sunday if it ever took place?

400. "Here is the translation of a typescript of the complete telephone conversation which Belaunda Terry began with Galtieri at 23.30 on Saturday, 1 May Lima time which was 01.30 on Sunday, 2 May Buenos Aires time."

(Mr Pym.) I would not know. Certainly at that hour on the 1 May I was quite unaware of the existence of this plan at all and as a matter of interest our Ambassador in Lima went to see the Foreign Minister of Peru at my request on 1 May and on that morning they discussed the whole situation and there was absolutely no mention whatever of any proposals at all. I did not hear about them at all until the morning of 2 May, and as I say they were only an outline. They were not in any way firmed up and Haig himself said much more work had to be done on them. What transpired between Haig and Terry and Peru and Argentina I of course do not know.

401. But when you spoke to Secretary of State Haig on Sunday morning, were those seven headings more or less as suggested by the two others, or were they much less terms?

(Mr Pym.) They were more or less on those lines.

Mr Mikardo

402. Your colleagues of the War Cabinet would have been aware, would they not, that you were spending that Sunday morning talking to Alexander Haig about the possibilities of reaching some negotiated settlement—is that so?

(Mr Pym.) Yes, and reviewing the whole situation.

403. Yes, reviewing the whole situation. Can I put this to you—of course it is true that any committee and certainly a War Cabinet does not have to consult absent members in order to reach a decision. That is protocol as you have said; even this Committee does not; and of course you have confidence in them in your absence. Here we have this situation in which they knew you were seeking a negotiated settlement and they took a decision which would have affected the chances of a negotiated settlement without informing you and on your side you were continuing the discussions without informing them of where you were getting to. Do you not think in the light of hindsight that that was a break in communications that was unjustified?

(Mr Pym.) For that argument to have the slightest validity you have to assume that the negotiations that I was talking to the Secretary of State about, the proposals for an agreement, were a solid collection of proposals which we were quite happy with, that they had been developed, that they were far advanced, and there was something solid to discuss. Those proposals

were not of that kind. They were general outlines and there were some aspects of them which were going to be quite unacceptable to the United Kingdom, as I could see immediately from their headings; so that was no basis on which we could proceed. To try to pretend they were other than what they were to make the rest of the story fit is a bit of mythology, a bit of distortion which I do not accept. That day, in that visit, I went to review the whole scene. For us it was the outline of these new proposals which, as I say, were not developed to an extent to be anything you could discuss in detail because there were certain things which were not acceptable in them. We discussed them again over lunch and then I went off to New York. If they were developed in the way your argument pretends, then of course I would not have wanted to leave for New York. Of course I would have been in touch with London. Of course the Secretary of State would not have wanted me to have left Washington. But it was not like that. What happened was at the end of my visit, a two hour talk, an interval, lunch, and I departed; and the Foreign Office, after we had discussed it together, sent a normal telegram reporting the day's events, and that was the entirely correct and right procedure. There was not any event, not any discussion nor any part of the discussion during the course of 2 May which was of such a kind as to say that this entirely changed or even looked remotely at any stage likely to change the scene. It might have been over a period of days that something might have emerged, it might have been talked about at a later stage, but that is how it was.

404. Did you have that sort of feeling that even though the proposals were undeveloped they represented a possibility of development?

(Mr Pym.) Yes, I did, although a remote possibility, because they were very similar to the Haig proposals which only two days before the Argentines had rejected outright. That is the first point. There were things like, you know, Resolution 502 which were not going to be properly fulfilled as the proposals were then outlined. So it was very similar to those Haig proposals. But they were therefore unlikely to make any progress. But so far as I was concerned any suggestion, any set of proposals I would take seriously. I was just off and that evening I did discuss another set with the Secretary General of the United Nations. So to suggest in any way that I was confronted by something which changed the entire outlook and therefore ought to have done something on an emergency basis is a travesty of truth.

405. I am not suggesting anything and did not put any argument. I merely asked a question, and I would like to ask another one if I may, which is this: Is it not a fact that Mr Haig thought there was more substance and more potential in those proposals than the impression you have just given us.

(Mr Pym.) It is not for me to speak for Mr Haig but he was as concerned as I was to try to find a negotiated settlement. We were both extremely enthusiastic to do that. I do not think there was anything to choose between us on that score.

Chairman

406. Can you remember, Mr Pym, if Mr Haig got in touch with you by telephone at New York that evening?

(Mr Pym.) I think not.

407. If the proposals had been so all-embracing and so promising as suggested, would you have expected him to get in touch with you in New York? It is not far away.

(Mr Pym.) Yes, I think I would. When we left he was going to do everything he could to develop the proposals and make some adjustments to the bits which clearly would be unacceptable to the British Government, but as I recall it we were not in touch again until I got back to London, which I think would have been on the morning of 4 May.

Mr Lester

408. Could we turn to the present rather than the past? There have been many calls from many quarters, and we have particularly experienced it in the United Nations where we have been quite recently, for the United Kingdom to enter into direct negotiations with Argentina. Sir Anthony Parsons when he gave evidence to us here in the Committee thought that the United Kingdom should not enter into negotiations until we had a formal declaration from Argentina that they had renounced the use of force. But given the numerous statements of peaceful intent including one this weekend from the new Argentine regime, do you agree that this should be necessary?

(Mr Pym.) Mr Chairman, I wonder whether, before I answer that question, which I will do, I might make one final comment about the historical aspect which the Committee has been covering up to now. Would that be in order?

409. That would be in order, yes.

(Mr Pym.) Because it is suggested that the events of the weekend we have been discussing, which include the sinking of the BELGRANO, were inimical to the process of negotiation with Argentina and the negotiations over the central Peruvian proposals. I would like to draw the Committee's attention to a statement I made to the House on 7 May[3] outlining in greater detail those proposals which after consultation with the War Cabinet and again with Secretary of State Haig were refined into a set of proposals that were acceptable. I was able to say to the House on 7 May, which I think was a Friday—I said this: Yesterday—that is 6 May—we signified that we were willing to accept and implement immediately an interim agreement which would prepare the way for a definitive settlement—thus indicating that those proposals were further discussed and developed and they did reach a stage where they were acceptable and then they were rejected by Argentina. I think it ought to be in the Committee's mind that what is alleged is part of the mythology of the BELGRANO story, as though that affected the whole scene, but it did not. We went on with that second effort and it actually got to that point, and I think that is a very relevant matter if I may say so for the Committee to have in mind; and then of course there was at the same time the initiative taken by the Secretary General of the United Nations to which we gave very positive responses. He also was negotiating with Argentina. So to say, or in any way to imply, that this process of negotiation and the search for a settlement in some way came to an end at 2 May is utterly wrong, and beyond those failed proposals we ourselves, as you know, put before the United Nations on 17 May an outline of an agreement that the British Government were prepared to agree to; so that the whole world and the British people would know how far we were prepared to go in order to avoid a war. And I think it is very necessary to add that fact and that history to what we have been discussing so far.

Mr Welsh

410. If I could recap a little bit with regard to that weekend of activities, the main thing is that you were in America to try to find a diplomatic solution if possible. That was your venture and the seven point plan came from Peru and it was not acceptable at that time for you to communicate with the Government of the country, but it may have been as you said with a few longer days on they may have been able to come to something that was reasonable. If that is the case, that a few days longer would have done that, can I ask you what effect do you think the sinking of the BELGRANO had on the course of the negotiations?

(Mr Pym.) None. I think of course it was upsetting in Argentina. I think it was upsetting everywhere quite frankly. Any event of that kind is a tragedy. But as we now know in restrospect from a programme that has already been referred to, the military leaders in Argentina had expressed the view, or some of them, that that was a right decision to take. It was a military decision and it was understood in Argentina as a military decision, and the evidence of that programme shows it to be so. So I think the answer is it had no effect and as I have indicated just now in a supplementary answer I made, the whole process of negotiation and the search for a settlement continued right into the second half of May.

Mr Mikardo

411. Is it not a fact, Mr Pym, that President Belaunde Terry who, after all, knew the mind of Galtieri at that moment better than anyone else because he was spending hours with him on the telephone between him and Haig, is it not a fact that President Belaunde Terry assumed at once on the sinking of the BELGRANO that there was no point in him continuing his efforts?

(Mr Pym.) Galtieri changed his mind very, very frequently. There was a general lack of stability in the leadership down there and with the facts I have described to you I think they prove the contrary. The way in which, with the United States and Peru, those proposals were developed, so within a matter of five days we were in a position to say "This is something we can agree to" and the Argentines rejected it and subsequently there were the Secretary-General's efforts also negotiated with Argentina. If that was his view at that particular moment in the middle of a particular night or day no doubt there it was but I do not accept that it had an effect, so to speak, on the seeking of a settlement, as is sometimes alleged.

Mr Welsh

412. Do you think that the Peru proposals might have led to a successful agreement if they had been discussed over a number of days with the United Kingdom?

(Mr Pym.) They were developed and that was my statement in the House of Commons on 7 May. It relates exactly to

[3] HC Deb, 1981–82 Vol 23, cols 395–403.

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those proposals that were developed in this particular way and on 7 May, I think, or 6 May were rejected by Argentina.

413. There was another incident that happened since then that made it slightly difficult: I was talking to Mr Stella who was the Foreign Minister of Peru at the time, now the Peruvian Ambassador at the United Nations and I said to him: "If the BELGRANO had not been sunk would there have been no war?" and he said: "You are absolutely right, sir." Would you like to comment on that?

(Mr Pym.) Not particularly. The war had already started. The Argentines had invaded the Islands, we knew that, they were declaring war and they were not prepared to withdraw notwithstanding the United Nations' Resolution 502. It is not as if the BELGRANO started the war. The BELGRANO, as the admirals in the Argentine Navy were saying, was on patrol and clearly was a threat to British servicemen and clearly that was a very hostile act and that was a risk that could not be taken. I do not accept that that statement, as you have reported it, is actually correct.

414. The statement is correct but you do not accept it?

(Mr Pym.) No.

415. Could I just ask, would you agree totally that if the BELGRANO had not been sunk the actions would have carried on, which is the same anyway, with regards to the English?

(Mr Pym.) There would have been much more risk to British forces who were operating in the most extreme conditions and difficulties. You must remember notice had been given in the change of rules of engagement that any ship in those circumstances would be liable to be sunk, we could not possibly take the risk of British servicemen suffering that. You cannot rewrite history, you certainly cannot rewrite wars; if one decision was different everything subsequently would be different.

Mr Lawrence

416. If they had started having successes because the BELGRANO had not been sunk do you think it more or less likely they would have moved towards some agreement of peace?

(Mr Pym.) In retrospect I think it is fair to say with all that we know and read about it that at the time they were not actually interested in a settlement, they were not interested in negotiations. They thought by their action of invading and capturing the Falkland Islands they had got, as it were, their booty and they were going to hang on to it and that is all they were interested in.

417. A lot of the argument has turned around the effect the sinking of the BELGRANO had. If the BELGRANO had sunk some of our ships is it your view the Argentinians would have been more likely to have peace or pressed for that with their successful engagement?

(Mr Pym.) I think they would have been even more excited, even more intransigent.

418. You said the sinking of the BELGRANO had no effect, obviously the first reaction to news of the BELGRANO would, in commonsense, have been one of humiliation and anger and resentment and a strengthening of fervour, would you accept that?

(Mr Pym.) Yes.

419. What you are saying, and saying with some evidence, is that after that immediate reaction which must have happened they then redoubled their efforts to try to agree some sort of peace plan, or at any rate we redoubled our efforts and the United Nations redoubled their efforts, and that is how the firming up of the proposals came about, but it is a time lapse?

(Mr Pym.) It is a time thing and the efforts that I made on behalf of the Government were at the maximum they could be throughout from start to finish not only regardless of the BELGRANO but regardless of the SHEFFIELD and regardless of other horrendous events which had taken place and, I think, were taking place, and there was no difference in the enthusiasm I brought to this particular task but there was no reciprocation, as we know, on the other side.

Mr Spearing

420. A few moments ago, Mr Pym, in your helpful reminder to us that the statement you made on the Friday emerged, I think you said, on the firming up of the basis of the seven-point initiative between Secretary of State Haig and President Belaunda and you said at that stage the Argentinians refused it and the change surely had been one of the things that had happened which was the sinking of the BELGRANO so how can you say that did not affect the course of negotiations?

(Mr Pym.) Because we enjoyed the goodwill of Peru in carrying those refinements to their proposals to the stage when Peru could put it to both sides.

421. Is it not possible, reading of events in Argentina, that due to the sinking of the BELGRANO irrespective of its merits it was then politically impossible for President Galtieri and those around him to accept terms they might have accepted had the BELGRANO been kept afloat?

(Mr Pym.) I think not. The Foreign Minister of Argentina said at one stage, if not more than once, he would accept the proposals made by the Secretary-General of the United Nations in a negotiated settlement, we were sceptical about this and in the end it turned out not to be so. There was evidence to the contrary: they were still saying in New York they were prepared to accept and make progress with the ideas proposed by the Secretary-General of the United Nations but that does not fit with what you have just said.

422. That is a matter of opinion. In retrospect the fact that you were not consulted and that apparently the War Cabinet in London were unaware of the Haig/Belaunda proposals which in the end blossomed, as you say, into something very important, does that not suggest the diplomatic and defence arms of the Government at that time were out of kilter?

(Mr Pym.) Absolutely not. The War Cabinet were not aware that these proposals were being discussed and pursued on 2 May in the way you described, they were aware of the fact that an outline of proposals had been rejected two days before including certain aspects, obviously unacceptable to the British Government, which were there on the table to be developed in the future. That was all there was and that would not have an effect on the decision they took which was a military one. Why was it of such a kind that it was necessary for me to communicate to London that something dramatic and new had happened? It had not, it was the outline of a proposal partly unacceptable to us and we knew our amendments would be partly unacceptable to Argentina. In developing that, Haig himself was saying that much more work was needed to clarify and develop that. That was not a situation which was going to change the decision which they took. The connection which is made, and insisted on by some, between these two events is a continuation of a distortion and a myth which is not in accordance with what happened, it is not in accordance with the facts.

Chairman

423. Would you agree, though important, the sinking of the BELGRANO was not the only act of war to take place? It was said on Panorama that the Argentinian Admirals were convinced one of their submarines had started and fired a torpedo which hit but failed to explode and we were also told that the first Exocet attack was despatched and started but because of inflight refuelling difficulties the attack had to be called off: the next attack was successful against the SHEFFIELD. The BELGRANO was not the only act of war taking place, was it?

(Mr Pym.) Absolutely not. We suffered the SHEFFIELD, as we know, and many other losses subsequently but at no stage did we abandon our efforts to find a peaceful way through if it was there to be found. We went through all settlements trying to do that and at the end of the day it was not to be.

Mr Canavan

424. There is just one contradiction I would like to clear up. Cecil Parkinson, who was a member of the War Cabinet, said on Panorama, the television programme, that the War Cabinet, in fact, knew of the proposals and when he was pressed by the interviewer he said primarily those of President Belaunda. This seems to contradict what you are saying, you either knew of the proposals or you did not.

(Mr Pym.) The position is the telegram describing the events of my day in Washington on 2 May left when I went to New York that evening and I think the decision had been taken at that time. I have not got a list of chronology here but I think that was taken at that time.

425. Would you give us an idea about the time of day when the communication came from Washington to London about the Peruvian proposals?

(Mr Pym.) I think it was something like 10 o'clock Greenwich Mean Time, that would be something like 5 o'clock Washington time. That is here, you have probably got the papers there. I have not got it.

Mr Lawrence: According to the transcript of Panorama it is not quite as Mr Canavan said. Cecil Parkinson said, and I quote the transcript from Panorama: "We knew all the time that there were continuing processes. I said Francis was away because he was seeking a diplomatic solution but what we had to decide that day was something more specific." I think that is different to what Mr Canavan said.

Chairman: I think we might try and recall what Mr Lester asked you. Perhaps

we might ask him to ask the question again.

Mr Lester

426. This is really a question on what preconditions you feel as far as the use of force is concerned, or renouncing the use of force one ought to have before we contemplate getting into direct negotiations. There have been many statements by President Alfonsin and Dr Caputo on the use of force, including one this weekend: is that sufficient or do you think there has to be this formal statement?

(Mr Pym.) I think "negotiations" is really the wrong word, at any rate at this stage. We have not yet established proper diplomatic relations. I do think it is very difficult for us when the Argentines are still refusing to make this formal announcement which would make a very big change. I think it is fair to say that international practice around the world would be when such a formal declaration still lies on the table and is not withdrawn that practically no country, I think I am right in saying, would want to establish diplomatic relations. It is not a normal relationship when that form of declaration has not been withdrawn and, therefore, I think it is a very important event as a preliminary to establishing proper diplomatic relations which in turn seems to me to be the right and proper preliminary before any discussion of greater depth takes place. I think that that particular act is really a very significant one.

427. In terms of actually moving on to discussions, not completely negotiations, the position that we deduce from our visit and discussions so far is that Argentina is prepared to open discussions with an open agenda and only sovereignty is not excluded whereas we are prepared to open negotiations on everything and anything but specifically excluding sovereignty. Do you think it is reasonable to expect the Argentinian Government to attend discussions from which sovereignty is excluded?

(Mr Pym.) I think we are, as it were, too far away from the starting line at the moment. Remember the British Government did have discussions with Argentina about sovereignty in the 1960s, perhaps at an earlier stage, but certainly in the 1960s, and most recently in 1980 which were very important indeed. We were prepared to do that and that was done by this Government in the last Parliament and it, as we know, did not come to anything but we certainly were prepared to.

The next event that happened was this completely illegal and universally condemned invasion, and of course that does alter things and it is a very, very serious development indeed. With respect therefore, in current circumstances with the British Government, whatever other circumstances may be, yes, we are prepared to go back to discussions, but that is really perhaps jumping the gun. I think the first step that is necessary is the establishment of a relationship, which does require certain changes on the part of the Argentines, and then take it step by step until we can get back to a position where this could be discussed. It is not as though we have never been prepared to discuss this: on the contrary, there was a stage when the British Government was willing and tried to take the matter to international law and the Argentines refused. So I think one must not, as it were, point an accusing finger at Britain. It ought to be pointed the other way round. Everybody would like to see progress, peace and prosperity, and the way to do that would be to re-establish this proper relationship between our two countries. I hope that can be attained somehow in the near future.

428. How can one establish that proper relationship if there is no prospect of discussing the very subject which fuels the frustration which caused the war? We do have a different regime. We have a democratically elected government in Argentina. Do you think there is any possibility of them accepting a normal relationship?

(Mr Pym.) If Argentina was frustrated before, that absolutely does not justify in any way the war. It is wrong to think because they were frustrated that in any way should justify the war. Quite clearly it does not. That is the position. Now, as you say, they have got a democratically elected government and there clearly has been an important change there. But we must remember they are not a democracy in a deep rooted sense, such as we are and many other countries in Europe are. They have had elections before and they have been changed into the sort of regime they had in 1982. Now there is a democracy and obviously we want to encourage democracy, but it is not of such a kind that it becomes as though we are dealing with the kind of government we are used to dealing with in Europe. I think the Argentines need to make that further move that we talked about earlier in order to clear the way for normal relations to start. Then I think, if we can get to that stage, we need to think of the long-term interests of the Islanders and everyone in the area and try to open up the possibilities. There was a possibility of lease-back, which the Islanders do not want. We have to get into a situation, first of all, where discussions of a sensible kind generally can take place at all. I do not think unfortunately we are there yet, and I think it is difficult—indeed it is almost impossible—to anticipate what the situation will be when future events have happened. I would have thought the whole thrust and direction for us to take is for us to do everything we can—and we have done so—to re-establish a normal situation.

Mr Mikardo

429. Leaving aside what we may think of the merits of the thing, in terms of hard practical reality does not the giving of a veto to the Islanders, that is to say an assumption that Her Majesty's Government will never enter into an agreement that the Islanders do not like, virtually rule out any possibility of agreement?

(Mr Pym.) I think it is quite formidable to come to a conclusion as to what is the best kind of arrangement for the future well-being of the Islanders. They have taken a strong view of it up to now and no doubt in the aftermath of the war they will take a stronger view, but I do not think that answers the question finally as to what is in their long-term interests. I can visualise as time goes on that different attitudes and different aspirations could conceivably emerge, more particularly since the events of 1982 have really drastically altered the life-style of the Islanders and the nature of life on the Islands, which in time will no doubt have its own effect and influence on the attitude of the Islanders. I would regard that as an open question. Not in the immediate future, but I can visualise that over the period of a decade when life settles down and things begin to move on, as I sincerely hope they will, you could get a different outlook and attitude and a different position emerging down there. I think we ought to keep our minds very open in the future as to future possibilities. We are looking a long way ahead and it is pure speculation, but my approach would be very much in that spirit.

Mr Wells

430. Can we conclude from what you have said that in fact you think the most fruitful line of approach to the problem of future negotiations would be direct negotiations between Argentina and Britain to re-establish diplomatic relations rather than through intermediaries such as the United Nations Secretary General or third countries?

(Mr Pym.) I think intermediaries are out. I do not think there is any scope there. I think direct negotiations at the moment are so difficult as almost to be unimaginable, and I think the purpose of policy immediately ought to be to get into a position where sensible discussions can take place. That is my view and I have suggested myself that it might be useful to involve some other countries with Argentina and ourselves in trying to restore normal diplomatic relations to move things forward. I do not think intermediaries could possibly do that. I did float the idea of international involvement in a Foreign Affairs debate a few months ago and I do not think many people think there is much merit in the idea. They may be right, in which case we are left with the difficulties inherent in direct negotiations. I still have an open mind about involving other countries to move things forward, particularly in creating the conditions and climate in which it is possible to have discussions with Argentina and of course for the benefit of the Falkland Islands in the future.

431. The signal for that would be the formal ending of hostilities by the Argentinians?

(Mr Pym.) I think that would make a great difference, and it would be possible to establish representatives in Buenos Aires and gradually start the thawing process. Here we are today in a situation which still feels, both in Britain and Argentina, very much an aftermath of, to say the least, a distressing and unfortunate incident involving the armed forces on both sides. We are still in that atmosphere and it does take time to get over a problem of that sort. We must do what we can with the help of other countries so that we can get back to a position where, whatever the faults of 1982, we can make progress for the benefit of the people concerned.

Chairman

432. I suppose that sovereignty is not an absolute state of affairs. Can you envisage a sovereignty over the Falkland Islands which would leave them virtually autonomous from the Argentine state?

(Mr Pym.) You mean as they are now?

433. Yes; Argentine sovereignty but very vestigial.

(Mr Pym.) A sort of titular sovereignty?

434. Yes.

(Mr Pym.) That is related to lease-back. It is the same sort of thought process. I do not know the answer to that question and

how that would strike the Argentinian people, whether that would be adequate for them. I just do not know. Whether we could arrive at a position where there would be sufficient confidence on the Islands to enable that to happen I am not quite sure. I think it is a very, very open question. As I indicated in an earlier answer, I think one wants to, as it were, make progress with the most open mind in order to establish the most fruitful relationship which can exist down there. With that in mind I myself would say do not let us necessarily say lease-back is never going to be any good or some other system is not going to be any good. I think it would be wrong to close the door on any option which might be the best answer for the Islanders in the future.

Mr Lester

435. Would you, having agonised over this a considerable time, agree with the assessment that so far as the Argentine's claim is concerned it is symbolic rather than territorial—symbolic historically—and there is no territorial requirement so far as Argentina is concerned for the Falkland Islands—I would not imagine that a country as big as Western Europe with a population of 27 million are looking for space for people to settle and they cannot get people to settle in a latitude in Argentina—whereas our problem is a commitment to an offshore village and the way of life of those people who have lived it for 150 years? Between those two it would seem that intelligent people seeking to try and find an answer in the best interest of both could find a solution.

(Mr Pym.) It has not yet happened, as we know, but certainly in theory that is possible. One must allow for the human factor, one must allow for the emotional view, for this problem began in Argentina, and the depth to which it goes, which is something different to the actual territorial claim which exists. But you certainly can visualise a position where at any rate on paper something like that can happen, and we have to get into a position where it is possible to imagine an outcome of that kind, by which I mean a position which is acceptable to the Islanders in the sense that they have confidence in the future, acceptable to Argentina and in those conditions I think it would be acceptable to the British. It will take a long time to get there, but that is the direction in which we want to go, without prejudging the outcome.

Mr Wells

436. Can I ask you about the claims of Argentina to South Georgia and the South Sandwich Islands? Do you think these Islands are much more than a negotiating card so far as Argentina is concerned or do you think they are making as strong a claim to those islands as they do to what they call the Malvinas?

(Mr Pym.) I do not think it is as strong. I think it is the Malvinas which is the emotive power, and that is what their decisions have been based on—their attitude to that particular problem. I think the same kind of depth does not apply to South Georgia and the South Sandwich Islands. You must remember that they only began to lay any so-called claim to South Georgia in 1927, I think it was, and it was post World War II before, I think I am right in saying, they took any interest in trying to make a claim, however invalid, to the South Sandwich Islands. Therefore historically it is much shorter and altogether different. I think they just perhaps put it into the claim, if you like, to make it that much larger, and perhaps to that extent there might be some negotiating aspect to it. But I think the heart of it is the Falkland Islands themselves.

Chairman

437. Did you receive any information whilst you were in office that our relations with other South American countries have been damaged as a result of the conflict with Argentina?

(Mr Pym.) No, I did not. Quite frankly, I was able to maintain friendly relations with Latin-American countries notwithstanding the problems at the time of the Falklands. I think it is fair to say that although of course the whole event has upset the region and there is a general sense of strain about it I cannot say that our relations have been worsened. I think the Latin-Americans obviously regret it—so do we—but they all condemn the invasion of the Falklands.

Mr Spearing

438. Some members of the Committee have had the opportunity of visiting the Falklands and some of us have the impression that many people in Latin American countries are not aware of the conditions on the Falklands and that connections between the two are not very strong. Do you think that better understanding of the aspirations and history of many of the people on the Falklands who have been there for a very long time would assist other Latin American countries in coming to an understanding and have you any reason to believe or know any way that could further a solution?

(Mr Pym.) No, I do not think so. I think they all have their views. They do, as we know, remain very solidly together, the Latin American countries, and support each other but I think they all understand the position. I am not sure that I am getting to the heart of your question. Perhaps Mr Spearing could rephrase it. Are you thinking that in some way the Latin American countries could bring some influence to bear on Argentina if they, the Latin American countries, understood the attitude of the Falkland Islanders themselves?

439. The Committee Four of the UN is charged with decolonisation. As far as the Argentines are concerned, this appears to be within that orbit, whereas we regard it from the point of view of, and our emphasis is on, self-determination of people; from the way of life of people in the Falklands. That weighs with us very much. Do you think that is sufficiently understood by the countries of Latin America?

(Mr Pym.) No. I doubt it. One can explain it constantly and repeat it but I doubt it is really fully understood. There is no doubt this colonisation word had a very emotive appeal but it was the Argentines themselves who were seeking, as we saw it, to colonise the Falkland Islands. That was the irony of it.

Mr Canavan: On a small point of order and a point raised earlier by Mr Lawrence regarding the Panorama programme, I have had the opportunity of checking the transcript which has been given to other Members of the Committee. For the record, Mr Cecil Parkinson is quoted as saying, at the time of the Chequers meeting on Sunday, 2 May 1982, "We knew that all sorts of people were .... people who wanted to see a peaceful solution, which we wanted to see, of which the prime example is .... was President Belaunde ..."

Mr Lawrence

440. It is puzzling, would you agree, this Argentine preoccupation with not renouncing the use of force, because one would have assumed, would one not, that if we understand that it would be very likely to release the log jam, if they accepted what is in fact the reality that nobody would expect them to use, or want them to use, or tolerate them using, force again. Can you, from your experience, say whether the other South American countries have been putting pressure upon the Argentines to renounce the use of force as a method of releasing the log jam or do you know whether the Argentines consider that their failure to give up the use of force is in some way a negotiating card in their hand?

(Mr Pym.) I would think they might think it had some value in negotiations. I can only speculate. My guess is that, for some reason, it is quite difficult for them politically, domestically in Argentina, to give up that particular card—I suspect. On the other hand, the speeches of President Alfonsin indicating that certainly his Government does not intend to use military force are very encouraging. It may be that over a period of time he will get into a position when it is possible for him to say that he will make that as a formal declaration. That is what one must hope for. I have no knowledge, but my own opinion, for what it is worth, is that I would be rather inclined to doubt that they would be putting any pressure on Argentina. I think they would say this is a matter for the Argentine Government itself and alone to decide. I think they would probably leave the Argentines to take the decision. I doubt they would pressurise, although they might, in bilateral contacts, discuss it, but not, I think, put pressure on. That is again complete speculation.

Chairman: Mr Pym, we are very grateful indeed for your kindness. I propose to put an uncorrected copy of the typescript of your evidence in the library. Thank you.

WEDNESDAY 20 JUNE 1984
(Afternoon sitting)

THE RT HON THE BARONESS YOUNG, Minister of State, Foreign and Commonwealth Office, a Member of the House of Lords, and attending by leave of that House, was examined.
SIR WILLIAM HARDING, KCMG, CVO, Deputy Under Secretary of State, and MR A E PALMER, CVO, Head of Falkland Islands Department, Foreign and Commonwealth Office, were called in and examined.

563–631. ...

Mr Canavan

632. I would like to ask you some questions about the Peruvian peace proposals and the events of 1–2 May 1982. There are some particular points which have emerged where there are apparent inconsistencies between Mr Haig's account of events and Mr Pym's account. Mr Haig is reported recently as claiming that in his negotiations with the Peruvian President on 1 and 2 May 1982, he had been in touch with Mr Pym about the detailed text of the proposals for a ceasefire and in a Panorama programme on 16 April of this year, Mr Haig said "We were down to words, single words" and "basically, we arrived at some articulations" which might be acceptable to the UK. Elsewhere he has said that agreement had been reached in principle by both sides. Now, Mr Pym, on the other hand, has told us that the proposals were "only outlines", some aspects of which "would not have been acceptable to the United Kingdom". I wonder if you can tell us what details had been received by the Foreign and Commonwealth Office of the Peruvian proposals by the morning of Sunday 2 May 1982?

(Baroness Young.) I think the short answer to the question that Mr Canavan raises is that in fact no information was received at that time, but the general point that he makes is one that has been set out, or the answer has been set out, in both Houses of Parliament on many occasions.

633. What information then about the Peruvian proposals was available to the War Cabinet meeting at Chequers at lunch on Sunday 2 May?

(Baroness Young.) Again, I answer that I understand there was none at all, but I am bound to say, Mr Chairman, that I feel that these questions are somewhat outside the terms of reference of your Committee.

634. No, they are not, with respect. Part of our remit is to look at the failure of past peace initiatives and what you have said seems to contradict what Mr Cecil Parkinson said on the same Panorama programme, that at the time of the Chequers meeting on the Sunday, and again I quote, "We knew that all sorts of people were people who wanted to see a peaceful solution, which we wanted to see, of which the prime example was President Belaunde", so it appears there that the War Cabinet did in fact know of the Peruvian proposals when they met at Chequers.

(Baroness Young.) The fact of the matter is that the Report came in at 22.15 on Sunday 2 May, and indeed when it came, they were outline proposals anyway.

635. How do you square that, then, with what Cecil Parkinson said on the Panorama programme?

(Baroness Young.) I do not think it is for me to speak for Mr Parkinson. I can only give you the facts as we have them.

636. Can I now turn to another point: Mr Pym has said that the British Ambassador in Lima saw the Peruvian Foreign Minister at the Foreign Secretary's request, on the morning of Saturday 1 May and according to Mr Pym "there was absolutely no mention of any proposals at all". Why then did the FCO think it particularly important on 1 May that the Ambassador in Lima should make contact with the Peruvian Government, if there was no inkling at that time of the new Peruvian initiative?

(Baroness Young.) I understand that it was a routine instruction to posts to brief their host Government on what was going on in the South Atlantic.

637. So there were no indications at all in the message which sprang from the Foreign Office to Mr Wallace in Lima? There was no hint even of a Peruvian initiative?

(Baroness Young.) As I have indicated to you on the timing of the initiative, the proposals to which you were referring were indeed only outline proposals, and the time at which they were received is of course an important matter in all of this.

638. Arias Stella is said to have claimed that he was in "constant contact" on 1 and 2 May 1982 with our Ambassador in Lima, and that Mr Wallace, our Ambassador, gave Arias Stella the clear impression that he was referring back to London all the time. Mr Wallace, on the other hand, told Panorama that it was Sunday evening before he heard anything. "Immediately excited, he telexed London". Again, there seems to be some inconsistency there, is there not?

(Mr Palmer.) Can I give the results of some research we have done before some of your Parliamentary interventions on this in the House of Lords: Ambassador Charles Wallace's instructions on the 1st were to go in. The telegram was sent to a large number of posts, as the Minister of State said, to give host governments a briefing on the current situation in the South Atlantic and, as you know, hostilities had escalated on the 30th with the bombing of Stanley Airport, for example. As the Minister of State said, Dr Arias Stella made no mention whatever of any actual or even impending Peruvian initiative. The second important exchange or report from Charles Wallace came late on the 2nd. Dr Arias Stella having said nothing about an initiative on the 1st. He summoned Charles Wallace the following evening at 6.30 Peruvian time, ie after the sinking of the BELGRANO, and told him of the plan that President Belaunde himself announced at a press conference 30 minutes before; the Ambassador then immediately sent us a telegram which arrived at about midnight our time, that is to say, some four hours after the sinking of the BELGRANO.

Mr Lester

639. That linked in presumably with the one the Foreign Secretary sent back slightly earlier?

(Mr Palmer.) Mr Pym's report of his discussions arrived before Charles Wallace's telegram, but also after the sinking.

Mr Canavan

640. What signals from Lima on the 1 and 2 of May were forwarded to the War Cabinet?

(Mr Palmer.) On the 1st—none.

641. And on the 2nd?

(Mr Palmer.) None, because by the time the report of what President Belaunde had said at his press conference arrived it was midnight and into the 3rd.

Mr Lawrence: And the BELGRANO had already been sunk.

Mr Spearing

642. Lady Young, we understand maybe that this is not an area which you anticipated, but the questions are part of the terms of reference, as you will know. When Mr Pym met us last week, in answer to question 390[4], he said that the rules of engagement had been changed quite a number of times. Other sources known to us indicate that the only major change was the one which immediately preceded the sinking of the BELGRANO. Would it be possible for you to let us have a list of the non-major changes because the qualification was the only major change was that of BELGRANO, so could you give us a note of the other changes which took place, and the dates and the reasons and the outcome of those changes? Could you do that?

(Baroness Young.) I would of course be glad to let you have a note on information that we might have on this matter. I will write to the Committee[4].

643. Thank you. On that point, on Sunday 2 May, which Mr Canavan has been referring to, when the decision was taken, I take it that Mr Pym was informed fairly quickly as a member of the War Cabinet absent on the importance of the decision on the change of rules of engagement? I take it that would have been done through the Foreign Office and fairly quickly?

(Mr Palmer.) He was informed by telephone.

644. So that would have been virtually immediately after the decision or within an hour or so?

(Baroness Young.) Yes.

645. Perhaps you could add the time, if that is possible, when you let us have the other information. Can I now revert to the details of the so-called "Belaunde proposals"? In their book, Messrs Gavshon and Rice have published the seven points which were alleged to have been agreed in telephone conversations—triangular ones—between President Belaunde and President Galtieri on the one hand and President Belaunde and Mr Haig on the other. In his evidence to us, Mr Pym instanced the fact that these were developed further during the course of the succeeding week, and indeed on Friday 6 May were developed and presented to the Argentines who then promptly rejected them, and this is forwarded as evidence of wishes, as always, by HMG, for diplomatic solution. Can you let us have a note on the way in which the seven points, as published by

[4]To be printed as an Appendix.

Gavshon and Rice, were changed or developed to the proposals of the 6 May, the degree to which they were changed or modified over the intervening period. Would that be possible?

(Mr Palmer.) As Mr Pym said, in his statement, which Mr Spearing refers to on 7 May, he acknowledged the constructive contribution of President Belaunde among others in building up to this position which was put to the Argentines, and did not as you say lead to a settlement.

646. Yes. The question I was asking—

(Mr Palmer.) Quite, but it is not absolutely linear and total, from Belaunde to what was finally the package that we put forward.

647. I have to put it to you that the evidence from Mr Pym was that it was—not the same, there were some differences. I think the word "develop" has been used. What I am asking is if we could have the Foreign Office's view of the degree to which there were changes or developments between those published in the book (as have not been denied as substantive) and proposals made by HMG on 6 May. I take it that is possible?

(Baroness Young.) I am sure that we would be willing to let the Committee have information that is available and would be willing to write to them about it, but perhaps I could just add a general point about all of these matters: it is I think entirely fallacious to pretend that the sinking of the BELGRANO marked the beginning of hostilities, which I think is one of the facts which lies behind many of these questions. The Argentines launched the hostilities with their invasion on 2 April 1982, and I think it is equally untrue that the sinking of the BELGRANO halted peace negotiations. As I understand it, these continued actively with Argentine participation until the Argentines rejected our final peace proposals, and what prevented negotiations from succeeding was the Argentines' constant refusal to comply with the Security Council Resolution 502 and withdraw their forces from the Falklands. At no stage did they agree to do this and indeed, as General Galtieri admitted later in an interview with an Argentine newspaper, Argentine opinion would have made withdrawal politically impossible to contemplate.

Mr Lawrence

648. But you have missed out the third and most important of the allegations, and that is the sinking of the BELGRANO effectively stopped a peace agreement that was otherwise about to become reality?

(Baroness Young.) Well, this is the argument—that the sinking of the BELGRANO stopped the Peruvian peace proposals. The fact is that the sinking had nothing to do with the Peruvian peace proposals, which at the time the BELGRANO was sunk we had no knowledge of. The circumstances have been fully explained and discussed in both Houses of Parliament.

Mr Spearing

649. I am very much obliged for the extra information. It was not the question I asked—that was just the straightforward analysis and I do not think with respect to Mr Lawrence I made any allegations. I take it we will get the information. Would you just finally agree, irrespective of the merits of all that, that the sinking of the BELGRANO did signal the end to any hope of a diplomatic solution which was then being sought by Her Majesty's Government?

(Baroness Young.) Well, no, I do not think I would put it that way, because the fact that the BELGRANO was sunk, you are saying—

Mr Spearing: I am not. With respect, I put it to you that the sinking of the BELGRANO marked the end—you say "No", so I have the answer to my question. Thank you.

650. . . .

APPENDIX 2

COPY OF A LETTER WITH NOTES SENT TO THE CHAIRMAN OF THE COMMITTEE BY THE MINISTER OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS (FI/46)

To the Chairman of the Committee

Following my appearance before the Foreign Affairs Committee on 20 June the Clerk to the Committee wrote to Mr Palmer, Head of Falkland Islands Department on 28 June, giving details of four subjects upon which they requested further written evidence.

I now enclose notes on the folowing subjects:

(i) The drafting of the Constitution of the Falkland Islands Development Corporation;[3]

(ii) Differences between the Peruvian proposals of 1–2 May 1982 and the proposal rejected by Argentina on 6 May 1982.

I was asked about assistance to sheep farmers (Questions 629–31). As I said at the time, I would be glad to write to you about this; but I find that Mr Vereker of the ODA, who was asked the same question (No 557), is already dealing with the matter in writing. I enclose for ease of reference a copy of the relevant paragraphs of his note;[3] I have nothing to add to this information.

The Committee also asked for a note about changes in the Rules of Engagement issued to HM Forces in the South Atlantic between 2 April and 15 June 1982. This is a matter for the Ministry of Defence and I have asked John Stanley to send you a note about it separately. But as part of the exchanges on this point (Question 645) I was asked about the timing of the telephone call on 2 May 1982 informing Mr Pym of the change in the Rules of Engagement made that day and I am happy to enclose a note on this.

Baroness Young

10 *July* 1984

(ii) DIFFERENCES BETWEEN PERUVIAN PROPOSAL OF 1–2 MAY 1982 AND PROPOSAL REJECTED BY ARGENTINA ON 6 MAY 1982

1. For ease of reference, the texts of the Peruvian proposals (as given on page 84 of *The Sinking of the Belgrano* by Messrs Gavshon and Rice) and the British Government's proposal (as described by the then Secretary of State for Foreign and Commonwealth Affairs, Mr Francis Pym, to the House of Commons on 7 May 1982) are attached at Annex A.

2. It was recorded in paragraph 17 of Section III of the Foreign and Commonwealth Office's Memorandum (FCO/FAC/7/84) of 27 March 1984 that, during the discussions between Mr Haig and Mr Pym in Washington on 2 May 1982, "Mr Haig gave Mr Pym a brief outline of new ideas which he said the Americans and Peruvians were discussing, but ageed with Mr Pym that further clarification was needed. Mr Pym also made it clear that he would have to discuss any new proposals with his colleagues in London on his return". In his evidence to the Select Committee on 11 June 1984 (Question 403), Mr Pym explained that the ideas which Mr Haig described to him were no more than undeveloped general outlines. (According to Gavshon and Rice [page 90], President Belaúnde deliberately dissuaded the Argentine Foreign Minister from trying to make Argentine interpretations of the wording explicit because "in this kind of agreement being too explicit can lead us to failure".)

3. Mr Pym also pointed out that even from the general headings it was evident that some aspects of the proposals were unacceptable to the United Kingdom. He added (Question 409) that nevertheless over the following few days, after consultation with the War Cabinet and Mr Haig, it was possible to refine and develop the proposal into an interim agreement which the British Government were willing to accept and implement immediately.

4. Mr Pym described the main elements of the interim agreement in his statement to the House of Commons on 7 May 1982, in which he also reported that Argentina had rejected the proposal. The differences between it and the Peruvian proposals as recorded by Gavshon and Rice are largely self-evident from a comparison of the two attached texts. One of the fundamental ones was—as Mr Pym stressed in his Parliamentary Statement—the insistence in the interim agreement that the implementation of a

[3] Not printed.

ceasefire should be unambiguously linked to the commencement of a supervised Argentine withdrawal from the Falklands. Another was its emphasis that any interim administration by a small group of countries (which Mr Pym did not identify) should be undertaken in consultation with the Islanders' elected representatives, and that the group's possible help in negotiations for a definitive agreement on the status of the Islands should be without prejudice to our principles or to the wishes of the Islanders. Finally, as Mr Pym also made clear, the agreement would not have prejudiced in any way the outcome of the negotiations about the future—whereas the Argentines had until then insisted that a transfer of sovereignty to them should be a precondition of negotiations on a final settlement.

ANNEX A

PERUVIAN PROPOSALS ACCORDING TO GAVSHON AND RICE

1. Immediate ceasefire.

2. Simultaneous and mutual withdrawal of forces.

3. Third parties would govern the Islands, temporarily.

4. The two governments would recognise the existence of conflicting viewpoints about the Islands.

5. The two governments would recognise the need to take the viewpoints[6] and interests of the Islanders into account in the final solution.

6. The contact group which would start negotiating at once to implement this agreement would be Brazil, Peru, West Germany and the US.[7]

7. A final solution must be found by 30 April 1983 under the contact group's guarantee.

INTERIM AGREEMENT PROPOSED BY HMG (OFFICAL REPORT, 7 MAY 1982, VOL 23, COL 394)

The interim agreement under discussion yesterday included the following elements: first, complete and supervised withdrawal of Argentine forces from the Falkland Islands, matched by corresponding withdrawal of British forces; secondly, an immediate ceasefire as soon as Argentina accepted the agreement and agreed to withdraw; thirdly, appointment of a small group of countries acceptable to both sides which would supervise withdrawal, undertake the interim administration in consultation with the Islanders' elected representatives, and perhaps help in negotiations for a definitive agreement on the status of the islands, without prejudice to our principles or to the wishes of the Islanders; fourthly, suspension of the existing exclusion zones and the lifting of economic sanctions.

This agreement would not, of course, have prejudged in any way the outcome of the negotiations about the future. As the House knows, that is a sticking point for us . . .

TIMING OF TELEPHONE CALL ON 2 MAY 1982 TO INFORM MR PYM OF CHANGE IN RULES OF ENGAGEMENT

The records do not give the precise time at which the British Embassy in Washington was telephoned from London to inform Mr Pym of the change in the Rules of Engagement. But they make it clear that such a call was made in the morning, between 9 am and 10 am Washington time (1300–1400 GMT) on 2 May.

[6]According to Gavshon and Rice (page 91), this was subsequently modified to "aspirations".
[7]According to the same source (page 90), the Argentines refused to accept the United States, and suggested Canada instead.

APPENDIX 3

COPY OF A LETTER TO THE CLERK TO THE COMMITTEE FROM THE RT HON CECIL PARKINSON MP (FI/52)

To the Clerk to the Committee

Thank you for your letter and for the transcripts of the evidence given by Francis Pym and Baroness Young.

I am afraid that members of the Committee have drawn the wrong inference from my remarks as reported on "Panorama"[8] The point I was seeking to make was that the Foreign Secretary's absence from Chequers was evidence of the Government's determination to try to find a diplomatic solution.

I had no knowledge of any specific Peruvian proposals on that Sunday morning but, in the course of the weeks before, various names had been mentioned of people who might seek to help if the Haig initiatives failed, and President Belaúnde's name had been mentioned as a possible mediator, as had one or two others. The last answer which you qoute to me really sets out my position which was that the Foreign Secretary was away seeking a diplomatic solution and that diplomatic efforts were continuing. Thus the Committee would be wrong in reading anything specific into my reference to President Belaúnde.

You will notice that the Peruvians were mentioned by me in response to a specific question about Peru from Fred Emery.

Cecil Parkinson, MP

24 *July* 1984

APPENDIX 4

ASPECTS OF THE BELGRANO CONTROVERSY (FI/62)

Memorandum by Dr Paul Rogers, University of Bradford

INTRODUCTION

1. Since the publication of documents by the *Observer* and the *New Statesman* in late August, and the subsequent provision of further information, there has been an intense debate about the circumstances and motives behind the sinking of the *Belgrano* on 2 May 1982. The present note attempts an interim assessment of the evidence relating to the original incident and of the nature of, and possible reasons for, the subsequent withholding of information.

THE BACKGROUND TO THE SINKING

2. On 30 April 1982, the US Secretary of State, Mr Haig, announced that the United States had ceased its role as neutral mediator in the conflict and would henceforth support Britain while continuing to seek a negotiated settlement.

3. The stated policy of the British Government, which was still being put with some insistence as late as 4 May after the sinking of the *Belgrano*, was that Britain was using the minimum of military force necessary to favour a diplomatic solution rather than a military conclusion to the crisis.

4. The Government had widespread all-party support for this policy. A major poll taken just before the escalation of the military conflict at the beginning of May indicated certain public misgivings, with the great majority of those polled indicating that they did not believe that the confrontation did not warrant substantial loss of life.(1)

[8]Broadcast on 16 April 1984.

5. The sinking of the *Belgrano* on May with the loss of 368 lives resulted in strong criticism of Britain overseas as well as disquiet within Britain. Secretary of State Haig expressed the opinion that the incident had contributed considerably to Argentine intransigence.(2) Peruvian Government spokesmen went much further, saying that British military escalation seemed designed to act against a diplomatic settlement.(3)

6. Thus the charge that the British Government sought a military solution to the exclusion of other possibilities is not a matter which has been raised solely within the British political system since the end of conflict. It relates to opinions strongly voiced during the Falklands conflict and, indeed, amply reported in sections of the British media.

INITIAL JUSTIFICATIONS FOR THE SINKING OF THE BELGRANO

7. The Government initially justified its decision to sink the cruiser by reference to the circumstances in which it was stated to have been detected:

— It was first observed late on 2 May.

— At the time of its detection it was heading for the Total Exclusion Zone.

— It was closing on units of the Task Force.

It thus had to be sunk as an immediate threat to the Task Force, the decision being taken, on the spot, by the commander of *HMS Conqueror*. The destroyers accompanying the *Belgrano* were not attacked in order to enable them to pick up survivors from the cruiser.

8. By a combination of careful parliamentary questioning, and information from MoD and FCO sources, as well as from officers on *HMS Conqueror*, the Government's initial justifications have been called into question.

9. (a) It is now known that the *Belgrano* was detected some 48 hours before it was attacked and was observed visually for at least 30 hours. During this period it carefully avoided entering the Total Exclusion Zone. Indeed, if it had entered the TEZ it would have been attacked by *Conqueror*.(4)

(b) At the time of the attack, and for the preceding eleven hours, the *Belgrano* was heading away from the Task Force and towards southern Argentina. Suggestions that it was zig-zagging during this period have been called into question.(5)

FURTHER JUSTIFICATIONS OF THE GOVERNMENT'S POSITION.

10. Further reasons were given for the decision to sink the cruiser on later occasions:

— It was said to be equipped with Exocet missiles. In view of the effect of Exocet missiles on Task Force ships, this lends strong support to the notion of the *Belgrano* as being a potent threat. This claim was made in July 1982 and September 1984 by Government spokesmen.(6)

— It was also reported that the *Belgrano* was directing air attacks on ships of the Task Force on 1 May.

— It was separately reported that the *Belgrano* formed one part of an Argentine Navy pincer movement, and that destruction of the *Belgrano* would ensure the failure of this move.

11. These further justifications have been called into question.

(a) There is no evidence that the *Belgrano* was equipped with Exocet missiles.(7)

(b) At no time was the *Belgrano* within air-search or surface-search radar range of the Task Force and it was not therefore in a position to direct air attacks.(8) The radar facilities to do this were located on the Falkland Islands themselves.

(c) While the Argentine aircraft carrier, located over 300 miles to the north of the *Belgrano*, may have made a brief foray towards the Task Force after the Task Force attacks on the Stanley base on 1 May, the evidence indicates that the *Belgrano* was on a defensive patrol. Indeed, suggestions that it formed part of a pincer movement do not appear to have even been put forward in Britain until five months after the event. An Argentine Admiral quoted as supporting this interpretation has since claimed that he was quoted out of context*. While

* See also Appendix 9.

he may not be the only source, it is relevant that other attempts to elevate the role of the Argentine Navy during the war have included claims that *HMS Invincible* was damaged by an Exocet and that the British sank the *Belgrano* in retaliation for the sinking of a Type 42 destroyer 24 hours earlier, an event not admitted by Britain.(9)

12. It should be noted that the idea of a more generalised threat has also been put forward, this including the notion that the cruiser was a threat to the merchant ships providing sea lines of communication (SLOCs) between the Falklands area and Ascension Island well to the north.

13. The *Belgrano* was in entirely the wrong position to threaten SLOCs, being well to the South of the Falklands. Indeed the only ships in the Argentine Navy which might have had the capacity to undertake the function were the carrier and the two Type 42 destroyers. Even these would have been highly vulnerable to Task Force ships and even to MR Nimrods operating from Ascension Island and equipped with Harpoon anti-ship cruise missiles.

THE NATURE OF THE THREAT

14. A further significant perspective on the idea of an immediate threat is given in a recently published interview with Lord Lewin concerning the original detection of the *Belgrano* by *HMS Conqueror*. Arthur Gavshon reported that, according to Lord Lewin:

> "*HMS Conqueror* sighted the *Belgrano* and her escorts in the late morning of Saturday May 1, but the submarine's report did not reach Northwood Naval Headquarters until after midnight (London time). He and the Fleet Commander, Admiral Sir John Fieldhouse, were both asleep and were informed only on Sunday morning. There had been no reason for them to be awakened."(10)

In this context it is difficult to understand the Government's contention that the *Belgrano* was an immediate threat to the Task Force.

15. At a more general level it may be argued that the *Belgrano* was an obsolete and vulnerable warship. It was of pre-World War II design, due to be taken out of service in 1983 and turned into a floating museum. The Task Force had many ships equipped with Exocet missiles, each with a range seven miles greater than that of the *Belgrano's* guns. An officer on *Conqueror* described the cruiser as decrepit. Apart from a capability for defensive patrol, to provide early warning of possible Task Force action against the Argentine mainland, the *Belgrano* might have provided artillery support to the Falklands garrison if it had been moored in Stanley harbour."(11)

16. It might be argued that the main intent of the attack on the cruiser was to keep the remainder of the Argentine Navy in port. This was, in the context of a declared policy of minimum force, a recourse to extreme force early in the confrontation. Moreover, changing declared Rules of Engagement without warning was certain to damage any environment within which a settlement might have taken place. The suggestion that this initiative saved British lives needs to be set against the consequent immediate escalation of the conflict in which many British lives were lost. It is significant that the Government has not given this reason for sinking the ship.

A QUESTION OF TIMING

17. A further problem for the Government concerns the timing of the response to the threat. Since the *Conqueror* already had orders to attack the *Belgrano* if it entered the TEZ and thereby threatened the Task Force, why was it necessary to change the Rules of Engagement? Furthermore, one can construct any circumstances in which it could be argued that the *Belgrano* was a threat, even outside the TEZ, those circumstances might be said to have existed 24 hours before the actual attack. On the afternoon of 1 May, *Conqueror* was tailing the cruiser which was outside of the TEZ and on an easterly heading. This was at a time when Argentine aircraft were attacking Task Force ships, following Task Force attacks on the Stanley base earlier that day. Yet, even under these circumstances the *Conqueror* did not attack.(12)

18. In relation to the *Belgrano*'s course, the Government has changed its initial explanation and has acknowledged that the cruiser reversed course eleven hours before

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the attack. It maintains, though, that this information did not reach London until 6 hours and 40 minutes after the course change, and was not then communicated to Ministers.[10]

19. In summary, then, the specific circumstances of the attack on the *Belgrano* have involved a repeatedly changing story on the part of the Government. The attack is difficult to justify on military grounds and appears incompatible with the stated policy of using minimum force to gain a diplomatic settlement.

THE WIDER MILITARY CONTEXT

20. Apparently in the context of this policy of minimum force, the government ordered Vulcan and Harrier attacks and a naval bombardment of the Stanley airfield on 1 May. The purpose of these actions was repeatedly stated to be the destruction of the runway in order to enforce the air blockade of the islands.

21. In practice, the air attacks made extensive use of delayed action HE bombs and BL 755 cluster bombs. The latter contain 147 bomblets, collectively exploding over a substantial area to produce up to 300,000 shrapnel fragments. They are not appropriate anti-runway weapons but have a devastating anti-personnel effect. The intense naval bombardment by three Task Force ships used radar-directed 4.5" shells fused for air-burst rather than ground-burst, again inconsistent with action against a runway.(15)

22. The attacks on the Stanley base, with extensive use of dedicated anti-personnel munitions and tactics, were inconsistent with the stated Government policy of effecting an air blockade as part of a policy of minimum force. They appear more consistent with a policy of immediate escalation of the level of conflict as the military means became available in the theatre of operations.

23. Furthermore, it is now known that the War Cabinet ordered the destruction of the Argentine aircraft carrier, *Vienticinco de Mayo*, outside the TEZ on 30 April and an attack on all Argentine warships (not just the *Belgrano*) on 2 May. This would appear to have been in contravention of the UN Charter in General, and Resolution 502 in particular. It was reported in August 1984 that one member of the War Cabinet had questioned this decision in writing. While this was immediately and strongly denied, it has recently been acknowledged as being accurate. No warning was issued to Argentina concerning the widening of offensive operations against Argentine warships until 7 May.

THE DIPLOMATIC CONTEXT

24. It has been suggested that the *Belgrano* attack was specifically ordered to hinder the diplomatic initiative developed by Peru, in association with Secretary of State Haig, on 1–2 May.

25. The Government has responded to these suggestions in three main ways:

(a) While it accepts that Mr Pym was in Washington on 1–2 May, his meetings with Mr Haig are described as brief, and London was not informed of progress on a routine basis as progress was limited.

(b) It suggests that the Peruvian initiative was at a very early stage of development at this stage.

(c) It consistently states that it knew nothing of the initiative until over three hours after the attack on the *Belgrano*.

26. There are problems with all three responses:

(a) While recent FCO briefings describe the Haig/Pym meetings as brief, abundant evidence exists to the contrary, even from Mr Haig himself. In addition, recent Government statements conflict directly with Mr Pym's report to the House of Commons on his return from Washington:

"I had extensive talks with Secretary Haig. These covered the diplomatic, economic and military dimensions of the crisis."(17)

[10]An unconfirmed report suggests that the Prime Minister was at the Naval Headquarters at Northwood for part of this period.(13) Another report(14) suggests that Argentine naval orders recalling all warships, sent over 19 hours before the attack on the *Belgrano*, may have been intercepted, decoded and passed on to Chequers.

(b) The government has itself admitted, in a parliamentary answer given on 13 May 1983, but not widely reported, that the proposals were not simply a Peruvian initiative but rather "American–Peruvian framework proposals", a much more substantial matter involving the US Secretary of State with his previous experience of Argentine and British attitudes.(18)

(c) Abundant circumstantial evidence now exists, from London, Washington and Lima, that the War Cabinet was aware of these diplomatic developments before the *Belgrano* was attacked.(19)

THE EVENTS OF 3 MAY 1982

27. Even if one ignores the evidence which suggests that there may have been knowledge of the American-Peruvian proposals in London before the attack on the *Belgrano*, one is still faced with some very disturbing information which has recently been made public.(20) Indeed, this may come to be central to any enquiry.

28. The Government has maintained that it learnt of the American–Peruvian framework proposals at 11.15 pm London time on 2 May, just over three hours after the attack on the *Belgrano*. However, by 1.00 am London time on 3 May, *HMS Conqueror* was back on anti-shipping patrol with orders to sink any Argentinian warship. This order, which applied to other Task Force ships as well, was not rescinded, even after further information on the new proposals reached London from Lima at 2.00 am on 3 May.

29. Furthermore, the authorities in London were under the mistaken impression that the attack on the *Belgrano* had left it crippled and without steerage rather than that the attack had sunk it. It was thus believed that the crippled cruiser was in the position in which it had been attacked, being aided by its two escorting destroyers, presumably carrying survivors from the original attack. This group of ships can in no way have been considered to be an immediate threat to the Task Force several hundred miles away, yet *Conqueror* returned to the scene to attack the destroyers.

30. This second planned attack took place over 24 hours after the Government has stated that it had learnt of the American–Peruvian framework proposals. In fact, of course, the *Belgrano* had actually sunk quite quickly on 2 May and the destroyers could not be found.

31. The Prime Minister's statement of 19 September 1984 entirely ignores this sequence of events, referring only to a later patrol by *Conqueror* on 4 May when, after London knew of the *Belgrano's* loss, *Conqueror* was refused permission for an attack after observing some ships searching for survivors. By this time the American–Peruvian framework proposals had been rejected by Argentina following the loss of the *Belgrano*.(21)

CONCLUSIONS

32. From the evidence which has come to light over a two year period, two broad conclusions may be drawn:

(a) At a time when the Government was stating that it was pursuing a policy of minimum force in an effort to gain a diplomatic settlement, the evidence indicates that it was actually pursuing a quite different policy: high levels of force which made a diplomatic settlement unlikely. It had domestic support only for its publicly stated policy. If the full nature of the military actions undertaken on 30 April to 3 May had been known to Parliament and the electorate at the time the Government's position could have been very different. Even on the basis of the very limited evidence made available at the time, the Government came under some pressure in the House of Commons and experienced considerable criticism from its allies.

(b) It is incorrect to describe recent Government statements as effectively refuting the serious charge that military action was countenanced which might have jeopardised the American–Peruvian framework proposals. If anything, recent disclosures, especially those cited in relation to the events of 3 May, appear to provide supporting evidence.

33. If one attempts to examine the sequence of revelations of the past two years, one is struck by the manner in which a succession of reasons has been given to justify the sinking of the *Belgrano*. It is also apparent that there has been a remarkable inconsistency of explanation, with several contradictory versions provided by different participants.

34. It even appears that there have been a number of occasions when the Government has offered partial explanations without realising that contradictory evidence was already available to its critics.

35. Because of the general and persistent problems of inconsistencies and contradictions, it is doubtful whether an adequate analysis of British policy and actions on 30 April to 3 May 1982 will be forthcoming without an inquiry under the terms of the Tribunals of Inquiry (Evidence) Act 1921.

36. The Falklands conflict resulted in the loss of nearly 1,000 lives, 255 of them British, and some 2,000 injuries, and has given rise to the expensive "Fortress Falklands" policy. The events of 30 April to 3 May are pivotal in understanding the actual as distinct from the declaratory policies of the Government, as there does, in this instance, appear to be a marked difference between the two.

37. In a democracy it would seem necessary to endeavour to establish whether a government sought war when a compromise peace was possible.

Dr Paul Rogers

October 1984

NOTES

1. *Sunday Times* 2 May 1982
2. *Times* 5 May 1982.
3. *Guardian* 13 May 1982.
4. *Our Falklands War*, by Geoffrey Underwood, Maritime Books, 1983. Officer's diary, *HMS Conqueror*, quoted in part by Arthur Gavshon and Desmond Rice in *The Sinking of The Belgrano*, Secker and Warburg, 1984.
5. MoD documents published in *New Statesman*, 24 August 1984. Officer's diary, *HMS Conqueror*.
6. Sir John Nott, interviewed on the "Today" programme, BBC Radio 4, 20 September 1984.
7. Various technical manuals. See, also, letter to the author from MoD, 2 July 1982.
8. *Jane's Fighting Ships 1981–82*, *Jane's Weapons Systems 1981–82*, Jane's Publishers, 1981.
9. See, for example, *Tiempo Argentino*, 26 August 1984.
10. *Guardian* 2 October 1984.
11. *Battle for the Falklands (2) Naval Forces* by Adrian English and Anthony Watts, Osprey 1982.
12. Officer's diary, *HMS Conqueror*.
13. *Times* 24 September 1984.
14. Information received by Tam Dalyell MP from anonymous source, December 1983.
15. See *The Road to Goose Green* by Paul Rogers, London Review of Books, 15 September–5 October, 1983.
16. MoD document, *New Statesman*, 24 August 1984.
17. *Hansard*, 4 May 1982.
18. Cranley Onslow, Oral Answer, *Hansard*, 13 May 1983.
19. For example: "Newsnight", 29 April 1983;
    Cecil Parkinson on "Panorama", 16 April, 1984;
    Alexander Haig quoted in the *Guardian*, 19 September, 1984;
    Lord Whitelaw, quoted in the *Guardian*, 3 October, 1984;

Peruvian diplomats quoted in *The Sinking of the Belgrano*, by Arthur Gavshon and Desmond Rice, Secker and Warburg, 1984.

20. *Times*, 15 September 1984. Officer's diary, *HMS Conqueror*.
21. See, for example, questioning by Denis Healey MP in the House of Commons, *Hansard*, 4 May 1982.

APPENDIX 5

THE "DELAY" BETWEEN THE CHANGE IN THE RULES OF ENGAGEMENT OF 2 MAY 1982 AND A PUBLIC STATEMENT BY THE MINISTRY OF DEFENCE ON 7 MAY 1982 (F1/77)

Memorandum by the Foreign and Commonwealth Office

1. During the Falklands conflict, the British Government issued a number of public warnings which were intended to make Britain's intentions clear to both Argentina and the rest of the world. However, such warnings should not be confused with the Rules of Engagement. Although the warnings issued during the Falklands campaign were always consistent with them, Rules of Engagement are classified guidelines issued to operational commanders to guide them in the conduct of a particular campaign. There is no question of revealing them to any opponent either directly or through a public announcement.

2. The change in the Rules of Engagement on 2 May 1982 to permit attacks on all Argentine naval vessels on the high seas was fully within the scope of the warning communicated formally to the Government of Argentina on 23 April 1982. That warning was communicated to the United Nations, and made public, on 24 April. The text of the letter to the President of the Security Council is attached.

3. The British Government's announcement on 28 April 1982 that a Total Exclusion Zone would be established around the Falkland Islands on 30 April 1982 was similarly communicated to the Security Council in a letter dated 28 April 1982. The text of that letter is also attached. Like the warning on 23 April, the announcement of 28 April made it explicitly clear that the new measures were "without prejudice to the right of the United Kingdom to take whatever additional measures may be needed in exercise of its right of self-defence, under Article 51 of the United Nations Charter". The British Government also reported the attack on the Argentine cruiser *General Belgrano* to the Security Council. In a letter dated 3 May 1982, which opened by recalling the terms of the 23 April warning, the United Kingdom Permanent Representative informed the President of the Security Council of the terms of the statement made by the Ministry of Defence on 2 May 1982. That statement also recalled the terms of the warnings of 23 April, pointed out that "the cruiser posed a significant threat to the British task force maintaining the Total Exclusion Zone", and stated that "the action taken was fully in accordance with the instructions given to the task force Commander based on the inherent right of self-defence under Article 51 of the United Nations Charter". The text of the letter of 3 May 1982 to the President of the Security Council is attached.

4. The need for further warnings was kept under review and, with the attack on *HMS Sheffield* on 4 May and the Argentine rejection of a further set of peace proposals on 6 May (announced by the then Foreign Secretary, Mr Francis Pym, in the House of Commons the following day), it was judged necessary to issue a further warning on 7 May. The text of that warning was communicated to the Security Council in a letter dated 8 May 1982: its text is attached. As that letter explained, the main purpose of the announcement was "to reduce the possibility of misunderstanding about the United Kingdom's intentions with regard to measures in exercise of the right of self-defence recognised by Article 51 of the Charter", to ensure "that the warnings previously conveyed to the Government of Argentina . . . remain in force", and to give "further precision to the circumstances in which Argentine forces will be regarded as constituting a threat". The warning was thus intended to clarify Britain's position following the events

of late April 1982, and to deter future Argentine naval operations outside 12 nautical miles from the mainland.

5. It is therefore a misconception of the nature of Rules of Engagement to link the change in the Rules of Engagement on 2 May 1982 with the statement issued by the Ministry of Defence on 7 May 1982. The period between the two dates is not significant. The Rules of Engagement of 2 May 1982 and the action taken under them were within the scope of previous warnings. The statement issued on 7 May was a new warning relating to actions which might be taken afterwards.

Foreign and Commonwealth Office

27 November 1984

UNITED NATIONS SECURITY COUNCIL

Distr: General. S/14997. 24 April 1982. Original: English

LETTER DATED 24 APRIL 1982 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Further to Mr Whyte's letter dated 9 April 1982 (S/14963), I have the honour, on instructions from my Government, to inform you that the following communication was conveyed to the Government of Argentina on 23 April 1982:

> "In announcing the establishment of a Maritime Exclusion Zone around the Falkland Islands, Her Majesty's Government made it clear that this measure was without prejudice to the right of the United Kingdom to take whatever additional measures may be needed in the exercise of its right of self-defence under Article 51 of the United Nations Charter. In this connection, Her Majesty's Government now wishes to make clear that any approach on the part of Argentine warships, including submarines, naval auxiliaries, or military aircraft which could amount to a threat to interfere with the mission of the British forces in the South Atlantic, will encounter the appropriate response. All Argentine aircraft including civil aircraft engaging in surveillance of these British forces will be regarded as hostile and are liable to be dealt with accordingly."

I request that this letter be circulated as a document of the Security Council.

Signed A D Parsons

UNITED NATIONS SECURITY COUNCIL

Distr: General. S/15006. 28 April 1982. Original: English

LETTER DATED 28 APRIL 1982 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Further to Mr Whyte's letter dated 9 April 1982 (S/14963) and my letter of 24 April 1982 (S/14997), I have the honour, on instructions from my Government, to inform you that the following announcement was made by the Government of the United Kingdom on 28 April 1982:

> "From 1100 Greenwich mean time on 30 April 1982, a Total Exclusion Zone will be established around the Falkland Islands. The outer limit of the Zone is the same as for the Maritime Exclusion Zone established on Monday 12 April 1982, namely, a circle of 200 nautical miles radius from latitude 51° 40' south, 59° 30' west. From the time indicated, the Exclusion Zone will apply not only to Argentine warships and Argentine naval auxiliaries but also to any other ship, whether naval or merchant vessel, which is operating in support of the illegal occupation of the Falkland Islands by Argentine forces. The Exclusion Zone will also apply to any aircraft, whether military or civil, which is operating in support of the illegal occupation. Any ship and any aircraft, whether military or civil, which is found within this Zone without due authority from the Ministry of Defence in London will be regarded as operating in support of the illegal occupation and will therefore be regarded as hostile and will be liable to be attacked by the British forces.
>
> "Also from the time indicated, Port Stanley Airport will be closed; and any aircraft on the ground in the Falkland Islands will be regarded as present in support of the illegal occupation and, accordingly, is liable to attack.
>
> "These measures are without prejudice to the right of the United Kingdom to take whatever additional measures may be needed in exercise of its right of self-defence, under Article 51 of the United Nations Charter."

This extension to the Maritime Exclusion Zones (which formed the subject of Mr Whyte's letter dated 9 April 1982 (S/14963)), has been necessitated by the refusal of Argentina to comply with paragraph 2 of Security Council Resolution 502 (1982). In these circumstances, the United Kingdom retains the right to take measures in exercise of its inherent right of self-defence recognised by Article 51 of the Charter of the United Nations.

I should be grateful if you would arrange for this letter to be circulated as a document of the Security Council.

Signed: A D Parsons

UNITED NATIONS SECURITY COUNCIL

Distr: General. S/15031[1] 4 May 1982. Original: English.

LETTER DATED 3 MAY 1982 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL.

In my letter of 24 April 1982 (S/14997), I set out the terms of a communication made by my Government to the Government of Argentina on 23 April 1982 to the effect that "any approach on the part of Argentine warships, including submarines, naval auxiliaries or military aircraft which could amount to a threat to interfere with the mission of the British forces in the South Atlantic will encounter the appropriate response." I now have the honour to inform you that on 2 May 1982, the British Ministry of Defence issued the following statement:

> "At approximately 8.00 pm London time this evening, the Argentine cruiser *General Belgrano* was hit by torpedoes fired from a British submarine. The cruiser is believed to be severely damaged. On Friday 23 April, Her Majesty's Government warned the Argentine Government that any approach on the part of Argentine warships, including submarines, naval auxiliaries or military aircraft which could amount to a threat to interfere with the mission of British forces in the South Atlantic would encounter the appropriate response. The cruiser posed a significant threat to the British task force maintaining the Total Exclusion Zone. The action taken was fully in accordance with the instructions given to the task force Commander based on the inherent right of self-defence under Article 51 of the United Nations Charter."

In my letter of 28 April 1982 (S/15006), I set out the terms of an announcement of a Total Exclusion Zone with effect from 11.00 GMT on 30 April 1982. On 3 May 1982, the British Ministry of Defence issued the following statement:

> "At about 4.00 am London time today two armed Argentine patrol craft type naval auxiliaries fired on a Royal Navy Sea King from *HMS Hermes*. Two Royal Navy Lynx helicopters from ships of the task force then engaged the ships with missiles. One of the ships was sunk and the other certainly damaged.

[1] Reissued for technical reasons.

"The engagement took place North of East Falkland and some 90 miles inside the Exclusion Zone. No damage to British helicopters has been reported. Further details will be given as soon as they become available."

These actions have been taken in exercise of the United Kingdom's inherent right to self-defence recognised by Article 51 of the Charter of the United Nations, having regard to Argentina's unlawful invasion of the Falkland Islands on 2 April 1982, her refusal to comply with paragraph 2 of Security Council Resolution 502 and her consequent illegal occupation of British territory by armed force.

I should be grateful if you would arrange for this letter to be circulated as a document of the Security Council.

Signed: A D Parsons

UNITED NATIONS SECURITY COUNCIL

Distr: General. S/15058. 8 May 1982. Original: English

LETTER DATED 8 MAY 1982 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to Your Excellency with this letter the text of an announcement made on 7 May by the British Ministry of Defence and transmitted to the Government of Argentina.

The main purpose of this announcement was to reduce the possibility of misunderstanding about the United Kingdom's intentions with regard to measures in exercise of the right of self-defence recognised by Article 51 of the Charter in the face of Argentina's continued illegal use of force to occupy the Falkland Islands contrary to the terms of the Charter and the Security Council's demand five weeks ago in Resolution 502 for the immediate withdrawal of all Argentine forces. The announcement also has the purpose of ensuring that the warnings previously conveyed to the Government of Argentina and set out in Mr Whyte's letter of 9 April 1982 (S/14963), and my letters of 24 April (S/14997), 28 April, (S/15006) and 30 April (S/15016) remain in force. Finally, the announcement gives further precision to the circumstances in which Argentine forces will be regarded as constituting a threat to interfere with the mission of British forces in the South Atlantic, having regard to the continued illegal occupation of the Falkland Islands and the attempted subjugation of the Falkland Islanders, a people of British descent and nationality living on British territory and entitled to the full protection of the UN Charter.

I should be grateful if you would arrange for this letter to be circulated as a document of the Security Council.

Signed: A D Parsons

ANNEX

S/15058. English. Annex Page 1

TEXT OF THE STATEMENT MADE BY THE BRITISH MINISTRY OF DEFENCE ON 7 MAY 1982

The Foreign and Commonwealth Secretary made clear in his statement in the House of Commons this morning that Her Majesty's Government's highest priority is to achieve an early negotiated settlement of the current crisis: but that if the Government of Argentina did not show the same readiness and desire to reach a peaceful settlement, it should be in no doubt that Her Majesty's Government would do whatever may be necessary to end the unlawful Argentine occupation of the Falkland Islands.

In this context, Her Majesty's Government wishes to recall that on 23 April it informed the Government of Argentina that any approach on the part of Argentine warships, submarines, naval auxiliaries or military aircraft which could amount to a threat to interfere with the mission of British forces in the South Atlantic would encounter the appropriate response. In addition, all Argentine aircraft, including civil aircraft, engaging in surveillance of these British forces, would be regarded as hostile and were liable to be dealt with accordingly.

In addition, Her Majesty's Government has made clear that all Argentine vessels, including merchant vessels, or fishing vessels, apparently engaging in surveillance of or intelligence gathering activities against British forces in the South Atlantic would also be regarded as hostile and were liable to be dealt with accordingly.

From 1100 GMT on 30 April Her Majesty's Government established a Total Exclusion Zone around the Falkland Islands. Her Majesty's Government will continue to enforce this Exclusion Zone which applies not only to Argentine warships and Argentine naval auxiliaries but also to any other ships, including merchant and fishing vessels which are operating in support of the illegal occupation of the Falkland Islands by Argentine forces: and this also applies to any aircraft, whether military or civil, which is operating in support of that illegal occupation.

Her Majesty's Government has consistently made clear that the United Kingdom has the right to take whatever additional measures may be needed in exercise of its inherent right of self-defence under Article 51 of the United Nations Charter. Her Majesty's Government will take all necessary measures in the South Atlantic in the self-defence of British ships and aircraft engaged in operations and in re-supplying and reinforcing British forces in the South Atlantic. Because of the proximity of Argentine bases and the distances that hostile forces can cover undetected, particularly at night and in bad weather, Her Majesty's Government warns that any Argentine warship or military aircraft which are found more than 12 nautical miles from the Argentine coast will be regarded as hostile and are liable to be dealt with accordingly.

APPENDIX 6

THE MALVINAS CAMPAIGN[12] (FI/80)

Article by Dr Robert L Scheina

When the Proceedings *published its first international navies issue two years ago, the cover featured R G Smith's fine drawing of the old Argentina carrier* 25 de Mayo *and the new super Etendards with which she was to be equipped. Smith takes justifiable pride in both his accuracy and his skill as an artist. But when it came time for life to imitate art a year after the cover was published, things didn't turn out quite as he had envisaged. The carrier was not fitted to operate these planes in the Malvinas conflict. That left it to the Super Etendards to operate from land bases, and they did so with spectacular success. It was the first naval war of the missile age, fought over a dispute which had been simmering some 150 years in the South Atlantic. For the most part, readers in this country have gotten only the British side of the struggle. The other side deserves to be told also.*

The most persistent error concerning the Malvinas dispute is the belief that the problem had its origin in the recent past. Some have suggested that the Argentine Government was trying to divert attention from the country's monetary inflation. Another commonly held notion is that the invasion of the Malvinas was intended as a means of forestalling a nationwide labour strike. Simplistic misconceptions such as these can lead to erroneous conclusions that the *status quo* has been restored and thus the problem solved. In fact, neither is true.

Events did occur during March 1982 in the Georgia Islands that for Argentina were heaped upon years of frustration and became the last straw. In mid-March, 41 Argentine civilians and 80 tons of equipment were landed on the island of South Georgia in order

[12]Reprinted from *Proceedings* by permission: Copyright © 1983 US Naval Institute.

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to disassemble obsolete whaling facilities for the purpose of scrapping them. These people were transported to South Georgia by the Argentine naval auxiliary *Bahia Buen Suceso*, which departed after the men and equipment were landed. This use of a naval ship to support commercial enterprise is a common practice in developing areas of South America. Much as the US Army was responsible for many services in the western United States during the late 19th century, navies in Latin America have adopted a similar role with regard to their countries because of their maritime environment.

The British Embassy in Buenos Aires was informed of the scrap workers' trip prior to their departure, and the Argentines believed that they had obtained permission for the enterprise. (In fact, the person in charge of the scrapping deal had been in the islands —with British permission—during December 1981 in order to survey the site of the planned work.) Once on the islands in March 1982, one of the scrap workers raised an Argentine national flag. This was a spontaneous event, similar to ones that had occurred in past decades when Argentines visited the islands. In this case, the British claimed that the scrap workers did not have permission to be there and ordered them to leave. Concurrently, Argentine intelligence discovered that the British Antarctic supply ship *Endurance* was steaming to the area with Royal Marines on board. As a result, the Argentine polar supply ship *Bahia Paraiso*, a naval auxiliary, was diverted from her Antarctic duties in order to be ready to assist the 41 civilians. On 26 March, the *Drummond* and *Granville*, two of Argentina's Type 69 frigates, were dispatched to South Georgia to support the *Bahia Paraiso*. The Argentines received word that additional British warships, including the destroyer *Exeter* and the nuclear-powered attack submarine *Superb*, were being sent to the area. Much as in World War I, each successive and seemingly minor escalation drew Argentina and Great Britain closer and closer to war. Either could have chosen a different path, but neither could find a honorable way to do so.

Who owns the "Malvinas?" The author's position is clear from his choice of name. But those who choose the label "Falklands" have also cast their lot. If one wishes to understand Argentine operations during the conflict and speculate about the future, he must study the Argentine claim to the islands, because initial tactical decisions in the invasion of the Malvinas were influenced by British actions more than a century ago. And the *status quo* has not been restored. British occupation is guaranteed by the Royal Navy, as has been the case since the 1830s. However, the force can no longer be a token one. Instead of the 40-man garrison present at the outset of the South Atlantic conflict, the number will now have to be perhaps 100 times the size. There will be no more cheap trip wires. The Malvinas problem has been temporarily shelved by force of arms. Great Britain, supported by substantial aid from the United States, overpowered Argentina and restored British rule on the islands. It did so in spite of the efforts of the Argentine Navy.

The Argentine Recapture of the Islands

In late March, two naval task forces began to assemble in order to recapture the Malvinas Islands from the British. The amphibious task force (Task Force 40) was composed of the British designed Type 42 destroyers *Santisima Trinidad* (flagship) and *Hercules;* frigates *Drummond* and *Granville;* submarine *Sante Fe* (ex-USS *Catfish* [SS-339]); tank landing ship *Cabo San Antonio* (modified US *Desoto County* [LST-1171] class); icebreaker *Almirante Irizar;* and the transport *Isla de los Estados*. The Second Marine Battalion was embarked in the LST. The supporting task force (Task Force 20) comprised the carrier *25 de mayo* (the former *H.MS Venerable*); the destroyer *Bouchard* (ex-USS *Borie* [DD-704]), *Piedra Buenoa* (ex USS *Coillett* [DD-730]), *Py* (ex-USS *Perkins* [DD-877]), and *Segui* (ex-USS *Hank* [DD-702]); fleet support tanker *Punta Medanos;* and the tug *Sobral*. Embarked in the aircraft carrier were four S-2E Tracker anti-submarine aircraft, eight A-4Q Skyhawk attack planes, three Alouette helicopters and a few Sea King helos. Commanding the theatre of operations was Army General Osvaldo Garcia; commander of the amphibious task force was Navy Rear Admiral Gualter Allara.

The mission of Task Force 40 was to capture Port Stanley (soon to be renamed Puerto Argentino) at the eastern edge of the Malvinas. The objectives were the Royal Marine barracks, the airport, the lighthouse San Felipe (known as Cape Pembroke to the British), and the effective control of the population. Rear Admiral Carlos Busser, commander of the landing force, instructed his marines that this was to be accomplised without death

or destruction if possible. In fact, the Argentines hoped to so overwhelm the 80 British defenders (a 40-man Royal Marine garrison during turnover) with their 700-strong landing force that no resistance would be offered. The Argentines were, in effect, trying to reverse events of the 1830s. They would offer to the British subjects in the Malvinas a similar choice to that which has been forced upon Argentines a century and a half earlier—new citizenship or compensation and transportation from the islands.

In late March, the fleet prepared to sail. Nineteen amphibian vehicles (all of which were US-built LVTPs) were embarked in the LST at night in an attempt to avoid attracting attention, but the news was published in the Argentine press prior to the landing. All ships took on ammunition and stores at Puerto Belgrano and Puerto Desmeado on the coast of Argentina's mainland. The *Almirante Irizar* lagged behind waiting for Army technicians who would be needed to restore and keep running Port Stanley's public services if they should be sabotage by the British.

The majority of the ships sailed separately on 28 March and took the normal course towards Ushuaia, the Argentine port at the tip of the continent. That evening, the cover force separated and took up a position about 450 miles north of the Malvinas at aproximately 43°45' South, 59°40' West. The Trackers from the carrier flew anti-submarine patrols to the south-southeast for 250 miles. The invasion force continued south along the coast.

The original plan to circle below the islands and approach from the southeast had to be scrapped as a result of deteriorating weather. By midday on the 29th, the amphibious taskforce had encountered 40-knot winds and accompanying heavy seas. The icebreaker *Almirante Irizar*, which caught up at 1400, had a difficult time maintaining station; one of the Army Puma helicopters she was carrying was damaged during the storm when its lashings broke. The task force reduced speed from 14 knots to 8 and later to 6; helicopter operations were suspended. On the 30th, the planned amphibious landing was delayed until 2 April, and the task force changed course to the north of the islands in order to reduce the pounding the ships were taking.

By midday on the 31st, Task Force 40 learned that it had lost the element of surprise. Rex Hunt, the British governor of the islands, was openly broadcasting instructions to his military and civil forces. The final decision to recapture the islands was probably made at this time, the Argentines monitored the radio broadcasts and modified their plans accordingly. First, H-hour was delayed so that the landing would not take place in the dark. Second, plans to capture the lighthouse were cancelled. The Argentines knew that this structure had been equipped as a lookout post with a warning system. Now, however, it was fortified as well, and the element of surprise had already been lost. Third, the operations against Darwin, Goose Green and Bahia Fox were postponed. All forces were to concentrate agains Port Stanley.

Task Force 40 arrived off the islands after nightfall on 1 April. The invasion began at 2115. Destroyer *Santisima Trinidad* anchored at Puerto Enriqueta (Port Harrier) south of Port Stanley. Eighty commandos of the Marine Amphibian Reconnissance Company and the Marine tactical divers paddled 500 metres ashore in rubber boats on a clear, moonlight night. (Normally at that time of the year, the sky is heavily overcast in the region). The Commandos were to capture the Royal Marine barracks and Government House, which was Governor Hunt's residence and the seat of British administration of the islands. At 0200 on 2 April, ten frogmen disembarked from the submerged *Sante Fe*, which was off the entrance of the harbour. Their mission was to secure the landing beach.

At 0615, the LST *Cabo Antonio* entered the outer harbor at Port Stanley and commenced the main amphibious landing phase by disembarking 19 LVTPs at York Beach. Immediately after the landing started, English-language broadcasts from the *Santisima Trinidad* asked the islanders to offer no resistance and thus avoid bloodshed. However, the amphibian vehicles were hit by a few rifle shots as they came ashore. They returned the fire, and it ceased. As the landing vehicles neared the city, they received concentrated small arms fire. As Capitan de Corbeta Hugo Santillan (the on-site Marine commander) explained later, he ". . . ordered the [75-millmetre recoiless rifle] shot on the roof [of the Antarctic Survey Building] with a hollow charge, not fragmentation, not to cause

casualties."[1] He successfully dislodged the British without injuring anyone. Hearing the fire, crewmen of the frigate *Drummond* requested permission to provide support with her 100-millimetre gun. They were turned down, because that was considered to be an excessive response. As the amphibious vehicles proceeded into Port Stanley, they were met by the commandos who had been landed from the *Santisima Trinidad*. Part of this group had found the Royal Marine barracks unoccupied, then moved on to attack Government House. One Argentine was killed in this firefight. At 0915, Governor Hunt surrendered.

In a separate operation, which began about the same time the LVTPs began their landing, a Sea King helicopter from the icebreaker *Almirante Irizar* transported material and men to the airport from the ship's location south of the San Felipe lighthouse. These men cleared the landing strip, which had had vehicles parked on it, and the first Argentine Air Force C-130s landed at 0830. The following day, Army troops who had been flown in on C-130s were transported by ships of the task force to outlying defensive positions at Darwin, Goose Green and Bahia Fox.

Landing in the South Georgias

Although tactically separate from the Malvinas operation, the landing in the Georgias was linked strategically. In fact, one might say the the Georgias confrontation caused Argentina to land in the Malvinas. When Argentina had determined on a course of military support for the contingent of scrap workers on the Georgia, it realized that it would be in no position to maintain a force in the Georgias alone. They are 700 miles east of the Malvinas and roughly 1,100 miles from the Argentine mainland. Thus, in order for an Argentine position in the remote Georgias to be tenable, Argentina could not afford to leave the Malvinas under British control. As a result, the landings in both groups of islands were part of the same whole, even though undertaken independently.

On the morning of 3 April, the frigate *Cuerrico* with an Army Puma helicopter and two Marine Platoons on board joined the polar supply ship *Bahia Paraiso* to form Task Force 60. The latter vessel, which was carrying a Navy Alouette helicopter, had been conducting a scientific programme in the Antarctic and was ordered to take up position near the Georgias. At 1100 on 3 April, the Alouette reconnoitered the intended landing site for the Marines at the port of Grytviken. Strangely enough, after a hour of flying, the helicopter saw no movement below. Radio contact was established, and the Argentines were told there were no military personnel on the island and there would be no resistance. As a result, a planned diversionary bombardment by the *Guerrico* was cancelled. At 1200, the Puma airlifted the first load of 15 Marines to the island; they constituted about one third of the occupation force. The second load of Argentine Marines was being landed when Royal Marines opened fire from ambush. The Puma was hit by small arms fire. It lifted off, filled with smoke, careened to the other side of the island, and landed at the crash site. There the naval crew, under heavy fire, pulled wounded Marines and soldiers from the Puma. Two Marines were killed, and the helicopter was destroyed.

Meanwhile, Royal Marines opened fire on the *Guerrico*, which had moved in close to Grytviken. The frigate was hit by an anti-tank rocket just below the Exocet missile launcher on her port side and by small armes fire. One crew member as killed. The ship responded with a few rounds from her 100-millimetre gun, and the British force of 23 men surrendered to the Argentines ashore, who now numbered roughly 50.

Calm before the Storm

Following the landings in the islands, the Argentine Navy prepared to defend them and the mainland as well. Immediately after the capture of Puerto Argentino (Stanley) the Second Marine Battalion and its amphibian vehicles were withdrawn, because it had been trained to emphasize amphibious warfare and its job was completed. In moved the Fifth Marine Battalion, which emphasizes land warfare in its training and mission. The battalion was assigned a zone of operations on the islands by the overall ground commander from the Argentine Army.

[1]This would translate as captain of a corvette; the equivalent US naval rank would be lieutenant commander or major in the Marine Corps.

At 1330 on 3 April, two Trackers from the carrier *25 de Mayo* flew to Puerto Argentino. They were stationed on the islands until 13 April in order to carry out local reconnaissance. Principally, they were looking for suitable sites at which to establish future airfields. In mid-April, long-range reconnaissance flights were begun. To conserve the Navy's ageing P-2 Neptune patrol aircraft, the Argentines employed a commercial Boeing 707 with military observers on board. An Air Force KC-130 was used for mid-range patrol.

By 7 April, the invasion and covering forces had returned to Puerto Belgrano, Argentines' principal naval base. The Navy calculated that 8 April was the earliest date that a British Nuclear-powered submarine could arrive on the scene, and it wanted to allow time for the fleet to regroup. Also on 7 April, Rear Admiral Juan Jose Lombardo was appointed as operational commander, of all Argentine armed forces involved in the campaign. At mid-month, naval and merchant vessels were used to carry troops and supplies to the islands. In further measures designed to prepare for the arrival of the British task force which was steaming southward from the United Kingdom, the fleet spent the period from 17 to 25 April conducting intensive target practice and anti-submarine exercises in coastal waters. The *Guerrico*, which had been damaged in the Georgias, rejoined the fleet after three days in an Argentine shipyard.

As military preparations were proceeding on both sides, so also were diplomatic efforts intended to forestall the impending bloodshed. Until 1 May, a majority of the Argentine people felt that there would indeed be a negotiated settlement, because they simply didn't think that the issue would result in war. The Argentine Government made a legitimate negotiating effort during the period when US Secretary of State Alexander Haig was conducting air shuttle diplomacy between Buenos Aires and London. When his mediation ended unsuccessfully, the previously neutral United States moved to support Great Britain. Many Argentines felt that their country had been betrayed by the US change in role from impartial broker to an active ally of their enemy. They felt that the United States should have either thrown in with the British at the outset or else remained neutral through the entire conflict.

Tables 1 and 2 follow overleaf

Table 1: Argentine Navy's Malvinas Forces*

Type/Class	*Number*	*Ship*
Subarines:		
"Type-209"	2	*Salta, San Luis*
Guppy Class	2	*Santa Fe, Santiago del Estero*
Carrier:		
Colossus Class	1	*Veinticinco de mayo*
Cruiser:		
Brooklyn Class	1	*General Belgrano*
Destroyers:		
Sheffield Class	2	*Hercules, Santisima Trinidad*
Gearing Class FRAM-II	1	*Py*
Allen M Summer Class	3	*Segui, Bouchard, Piedrabuena*
Fletcher Class	1	Almirante
Frigates:		
"Type-A-69"	3	*Drummond, Guerrico, Granville*
Sotoyomo Class	3	*Yamana, Alferez Sobral, Comodora Somellera*
Mine Warfare:		
"Ton" Class*	1	*Formoso*
Amphibious Warfare:		
Modified *Desoto County* Class	1	*Cabo San Antonio*
Icebreaker:	1	*Almirante Irizar*
Auxiliary:		
Bahai Aguirre Class	2	*Bahia Aguirre, Bahia Buen Suceso*
	1	*Punta Medanas*
	1	*Bahia Paraiso*
	1	*Isla de los Estados*
"Z-28" Class	2†	*Rio Iguazu, Islas Malvinas*
	1	*Monsunen*
	1	*Rio Carcana*
	1	*Forrest*

*Numerous auxiliaries, support craft, and minor combatants did not participate in the fighting. For example, the "Ton" class minesweepers worked in the Puerto Belgrano area and did not leave coastal waters. Also, the two *Intrepida*-class patrol boats remained on their frontier stations at Usuaia. These ships have not been included in this list.

†Actually, there are 20 "Z-28"-class units in the Argentine Prefectura. However, only two operated in the Malvinas.

Table 2: Argentine Navy's Aircraft in Malvinas Campaign

Type	*Number*	*Base*
SUE Super Etendard	4	Rio Grande
A-4Q Skyhawk	10	*Veinticinco de Mayo*, Rio Grande
MB-339 Acromacchi	10	Puerto Argenino
T-34C Trainer	4	Borbon
P-2 Neptune	2	Rio Grande
S-2E Tracker	5	*Veinticino de Mayo*, Rio Gallegos
EMB-111 Parulha Embroer	2	Rio Gallegos
L-188 Electra	3	Rio Grande
F-28 Fokker	3	Rio Grande
WG-13 Sea Lynx	2	*Hercules, Santisima Trinidad*
H-3 Sea King	5	on board ship/ASW patrol
AI-03 Alouette	7	on board ship/security patrol
Skyvan	3	near Puerto Argentino
Puma	1	Puerto Argentino

HOSTILITIES RESUME

Because of their remoteness and the limited number of defenders available on the Georgias, the Argentine military committee decided that if the islands were attacked, the troops there should offer only token resistance. On 21 April, an Argentine 707 located the British fleet at 19°29' South, 21° West. Four days later, the submarine *Santa Fe* was attacked and badly damaged by a host of British helicopters. The *Santa Fe* was then in the process of leaving Grytviken Harbour, South Georgia, after having just delivered supplies. She managed to reach nearby King Edward Cove, where she settled to the bottom and was abandoned. One petty officer was severely wounded during the attack, and another was later killed by a British sentry after the crew had been taken prisoner. The Marines on South Georgia put up a sporadic defense of the island and then surrendered to the British invaders.

On 27 April, the fleet deployed in order to counter a possible British attack against the Malvinas or the mainland. The entire fleet was designated Task Force 79, and it was initially divided into three task groups, each of which included an oiler. Since Argentina has only one naval replenishment oiler, it was necessary to use merchant tankers, and these proved capable of refuelling the Argentine combatant ships at sea. The British have received justifiable credit for their mobilization of commercial shipping in this conflict, but it is worth emphasizing that they were not alone in this regard. Indeed, Argentina's navy is one of the few in Latin America able to use merchant tankers in this role.

With the Royal Navy's task force having reached the vicinity, the mission of the Argentine force was made manifest—to find and destroy the British if they attacked the islands or mainland. Task Groups 79.1 and 79.2 were positioned to the east of Golfo San Jorge. Task Group 79.3 operated farther south, in the proximity of Isla de los Estados. During this period of watchful waiting, a 300-mile surveillance was maintained by land- and carrier-based naval aircraft. By 30 April, Task Groups 79.1 and 79.2 had moved north-northwest of the Malvinas. Numerous Japanese, Polish, and Soviet fishing craft frequented these waters, and the Argentine ships hoped that the other vessels might help confuse the British.

At 0440 on 1 May, the Malvinas radioed the Argentine task groups that the British had attacked the islands. The British had sent sea-based Harriers and long-range Vulcan bombers from Ascension Island to bomb the airfield at Puerto Argentino. With this attack, all hope of a negotiated settlement ended.

Though it confirmed the seriousness of the British resolve to retake the Malvinas, the air attack caused little real damage. In fact, the only bomb to hit the runway during the entire conflict was dropped during this attack. Two sheds, a small ammunition dump, and some communication equipment were destroyed. As a means of trying to fool British photo interpreters, the Argentines later put dirt on the runway to simulate craters. The dirt was removed at night to permit landings. Flight operations were interrupted during the day to clean up the mess and assess damage. During the attack, three T-34 trainers stationed at the Borbon auxiliary field flew over to Puerto Argentino and narrowly escaped destruction by British Harriers. The Borbon airfield had been discovered by a Tracker during a reconnaissance of the islands in mid-April. Actually, Borbon was no more than a grassy field. The only naval aircraft that could operate from it were the T-34s and Prefectura (Coast Guard) Skyvans. Macchi attack planes could land there in an emergency, but the runway was too short for them to lift off with ordnance.

Probably the primary reason for the lack of British bombing success after 1 May was the effectiveness of the Argentine anti-aircraft fire at Puerto Argentino. After that first attack, the British were forced to resort to lob bombing, which proved to be inaccurate.

In response to the British bombing on 1 May, the Argentine fleet commander ordered that the three French-built Type 69 frigates and an oiler be constituted as Task Group 79.4, a possible anti-surface group. At 2330 that night, an S-2 Tracker flying from the *25 de Mayo* detected one large ship and six medium-size ones; they were judged to be a carrier and her screen. The British fleet was northeast of the Malvinas at 49°34' South, 57°10' West, which was 300 miles from the Argentines' position. During the night, Task Groups 79.1, 79.2, and 79.4 closed toward the enemy at 20 knots in order to bring the carrier's eight A-4 Skyhawk aircraft within range. She would have to wait until almost

dawn before sending off an air strike. The Skyhawks could be launched in the dark, but her flight deck is too small for night recoveries.

When the time for launching came, the weather of 2 May was calm—too calm. In order to launch a bomb laden Skyhawk from the ageing light carrier, a brisk wind—almost always found in these waters—was necessary. Under the existing wind conditions that morning, however, a Skyhawk carrying three 500-pound bombs would have had a radius of only 70 miles; the British force was still 180 miles away. The fleet maintained its course toward the British position, but the wind continued to be too light to permit an air attack. Two Sea Harriers were discovered shadowing the Argentine force. The British force was maintaining the 200-mile distance. Unable to close, the task force commander, Admiral Lombardo, then ordered the Argentine fleet to return to safer waters in order to wait for more suitable weather. While these three northern task groups were withdrawing, the cruiser *General Belgrano* (ex-USS *Phoenix* [CL-46]) was torpedoed and sunk by the British nuclear-powered attack submarine *Conqueror*.

Also on 2 May, the corvette *Sobral* (ex-USS *Catawba* [ATA-210]) was attacked and badly damaged by a Sea Skua missile fired by a Sea Lynx helicopter. The *Sobral* was searching for a downed Air Force pilot. The missile destroyed the bridge and killed the commanding officer and seven other men. A week later, the *Sobral* limped into Puerto Deseado.

The mission of Task Group 79.3, which included the light cruiser, the destroyers *Bouchard* and *Piedra Buena*, and an oiler, was twofold. They were to provide an early warning for the southern mainland and to be in position to intercept any British reinforcements which might come from the Pacific. While on station, the cruiser plied back and forth between Isla de los Estados and Burdwood Bank. Her operating area was outside the 200-mile exclusion zone around the Malvinas, a zone within which the British warned they would sink any ships encountered. While she was on the leg toward the mainland at 10 knots, the *General Belgrano* was torpedoed at approximately 1600 on 2 May. She was about 360 nautical miles away from the British task force and steaming away from it.

The first torpedo hit under the aft 5-inch gun director, and the second hit on the port side, forward of number one turret. The first hit was the death blow; it raised the ship up in the water, tore the emergency generators from their foundations, and sent a heat wave through the ship. The combination of the heat and the explosion itself accounted for most of the casualties suffered. Many sailors were resting in their quarters on the orlop deck just aft of where the first torpedo hit. Immediately forward of the blow, sailors were crowded into the canteen to buy personal items. Most of the people in these areas were killed, and they comprised 95 per cent of those lost. Following the torpedoing, the crew was forced to evacuate in absolute darkness. They were able to do so in 30 minutes, the payoff for months of training. The ship sank 15 minutes later at 55°18' South, 61°47' West. The crew took to the sea in 30-odd 30-man life rafts. The commanding officer of the ship ordered the rafts to remain together in order to improve their chances of being found. Initially the rafts were lashed together, but during the evening they had to be cut apart when the weather deteriorated. Winds picked up to nearly 60 knots, and the seas were running 18 to 20 feet. At about 1600 on the following day, 24 hours after the torpedoes struck the *General Belgrano*, the first rescue ships were spotted from the rafts. Of the men on board, 880 were rescued; 321 lives were lost. Destroyers *Bouchard* and *Piedra Buena*, which were operating with the cruiser, delivered a two-hour depth charge attack without result. They then searched for the cruiser, with which they had lost contact.

At the time the British destroyer *Sheffield* was mortally wounded on 4 May, there was widespread press commentary in the United States that the attack on her was an act of retaliation for the sinking of the *General Belgrano* and the attendant heavy loss of life. In fact, the author's interviews lead to the conclusion that the Argentines were surprised that the British would break their own rules but not outraged when the cruiser was torpedoed outside the 200-mile exclusion zone. The Argentines' conviction to fight stemmed from the events of 1 May when the British bombed the runway at Puerto Argentino.

What the sinking outside the exclusion zone did accomplish was to demonstrate to the Argentine Navy the unrestricted operation of British submarines. This, combined with the knowledge that Great Britain was receiving satellite and aircraft reconnaissance information from the United States, led to the decision to retire the fleet to secure coastal waters and hope for a favorable opportunity to strike. The carrier's aircraft were deployed to southern naval bases where they could be effectively used in the fighting for the Malvinas.

The brunt of the Navy's fighting now evolved upon its air arm, the Marine Corps, naval personnel in the Malvinas, and the remaining submarines. The Argentine Navy possessed the strongest air arm of any Latin American country. It entered the conflict with three attack squadrons, one anti-submarine squadron, one reconnaissance squadron, two helicopter squadrons, two logistic squadrons, and one training squadron.

The Etendards Draw Blood

The Second Attack Squadron was composed of five Super Etendards. Fourteen aircraft and air-to-surface Exocet missiles had been ordered in late 1981. Ironically, they were not the Argentine Navy's first choice. The Navy had wanted to buy A-4M Skyhawks from the United States. However, when the Carter Administration refused to sell them to Argentina because of its stand on human rights, Argentina chose instead the only other attack aircraft available that could operate from the light carrier *25 de Mayo*. This proved to be a mixed blessing during the war. The French-built Super Etendards were much more advanced than the Skyhawks because of the Etendards' "fire-and-forget" Exocets. However, the Skyhawks could have operated from the carrier, and many more could have been purchased for the price of 14 Super Etendards. The Etendards were not able to operate from the carrier during the South Atlantic war because the *25 de Mayo* had not yet been fitted with the necessary electronics.

From November 1980 through August 1981, naval pilots and support personnel trained in Brittany, France. The pilots worked with flight simulators, and each man received approximately 45 hours of actual flight time. Between August and November 1981, five aircraft and five missiles were shipped from France to Argentina. Five more of each were due to be shipped in the late spring of 1982. The naval pilots began to fly the Super Etendards in Argentina in December. During January and February, the aircraft were test flown to ensure they would meet factory guarantees. On 30 March, two days before the Argentine Marines recaptured the Malvinas Islands, the commanding officer of the squadron was ordered to make the AM-39 Exocet air-to-surface missiles operational.

By now, the pilots had accumulated approximately 90 hours of flight time apiece, but none had received any doctrine or tactical training in the use of the Exocet missile. French technicians had been due to make the missiles operational in mid-April. However, as a result of pressure from the British, the French ceased all aid to Argentina. At least one publication has reported that a French technician already in Argentina aided in the preparation of the missiles for combat use. In fact, the technicians did remain in country but had absolutely no hand in readying the missiles. In addition to the lack of technical assistance, the French did not deliver the remaining nine aircraft.

The days preceding the conflict were spent readying the missiles and devising tactics. During mid-April, the Super Etendards and other Argentine aircraft executed mock attacks against the Argentine Type 42 destroyers, which were quite similar to the British Type 42s they would soon encounter. Besides the Exocet, the Super Etendards could also be armed with bombs and the Magic air-to-air missile. However, because of the limited preparation time available, all effort was concentrated on making the air-to-surface Exocets operational.

The characteristics and tactics used by each of the three naval attack squadrons made co-ordinated attacks difficult. The Macchis of Attack Squadron One flew from the airport on the Malvinas and were under the operational control of the island commander. The Super Etendards and Skyhawks were stationed at Rio Grande on the mainland and were under the operational control of Naval Air Command. These two aircraft types had differing operational methods. Armed with one Exocet apiece and given targeting information until mid-May by the P-2 Neptunes, the Super Etendards attempted to achieve surprise. They flew in pairs at extremely low altitudes while maintaining radio silence.

The Skyhawks relied heavily on numbers to overwhelm their enemy because they were armed with "iron" bombs.

Two Super Etendards armed with Exocet missiles flew their first mission on 2 May, attempting to attack targets reported to the south of Puerto Argentino. However, problems were encountered in the air-to-air refuelling, and the mission was cancelled. Naval air had its first success on 4 May. A Neptune detected a target which was identified by her electronic emissions as a Type 42 destroyer at 52°48' South, 57°40' West. The target was about 100 miles south of Puerto Argentino and approximately 380 miles to the east of Rio Grande Naval Air Base. Two Super Etendards armed with Exocet missiles took off at 0945. Fifteen minutes later, they refuelled in flight from Air Force KC-130 tankers while 250 miles from the target.

The two planes approached the target at high speed while flying very low. Weather deteriorated as the planes flew into rain and fog. Visibility was reduced to 300 feet and the ceiling to 500 feet. At 1030, the Super Etendards received a target update from the Neptune. Two medium-sized ships and one large one were 155 miles away. The closest target was no longer emitting, so the Neptune periodically switched on its radar. At 1104, the pilots fired their Exocets from a range between 20 and 30 nautical miles. One slammed into the side of the Type 42 destroyer *Sheffield*; the Argentines did not learn the fate of the second missile. After achieving the hit, the two planes streaked away at full speed. Neither during nor after the attack did they encounter any electronic interference; they had achieved complete surprise. The aircraft landed back at their base at 1210, two hours and 20 minutes from the time the targets had been spotted. The Neptune, relieved by a sister, maintained contact with the enemy off and on throughout the day. The Argentines monitored the British plain-language transmissions to their combat air patrol, thus keeping the Neptunes out of harm's way. British radio transmissions were also what told the Argentines that they had achieved a hit, because there was a great deal of disruption and confusion on the radio circuits after the missile struck home. It was not until they heard British press reports, though, that the Argentines knew the identity of the ship which the Exocet had hit.

Why weren't high-performance aircraft such as the Super Etendards and the Skyhawks stationed at Puerto Argentino rather than hundreds of miles farther away on the mainland? There are two principal answers. The existing 1,200-metre runway was too short, and it was almost always too wet. A Super Etendard carrying a dummy missile load landed on the island in April. It could have operated from there only by ignoring almost all safety standards and even then the runway would have had to be dry, which it seldom was. An A-4 pilot also studied the possibility of using the runway for the Third Attack Squadron and came to the same conclusion. In case of emergency, an A-4 could land there, but even that was dangerous.

The Argentines studied the possibility of lengthening the airstrip. A number of factors made this impractical. The existing runway was being heavily used, it was nearly always wet, and time was inadequate. Aluminum decking was used to improve the parking area so that the aircraft would not become bogged down because of the wet climate. To compensate for the shortage of air power, naval Macchis and other light attack planes were stationed at Puerto Argentino. Auxiliary air strips were developed at Darwin and Borbon. The one at Darwin was too short to operate any naval aircraft, and only naval trainers and Air Force Pucaras could eventually operate from Borbon.

Throughout the conflict, Argentine Air Force and naval logistics aircraft supplied Puerto Argentino by air. The First Naval Logistics Squadron was made up of three L-188 Electra turboprops and the Second Naval Logistics Squadron of three F-28 Fokker jets. From 2 to 31 April, these aircraft flew 1,500 persons and 500 tons of supplies to the Malvinas. From 1 May until 14 June, they transported 304 persons and 70 tons. During this latter period, approximately 35 flights successfully ran the air blockade. Most of these flights were made by Fokkers. The last Argentina aircraft to land at Puerto Argentino on 14 June was a naval Electra in full sight of the British troops.

Argentine Submarine Operations

Argentina began the conflict with two modern Type 209 diesel submarines, the *Salta* and the *San Luis;* they had been built in sections in Germany and assembled in Argentina.

The work accomplished in Argentina was much more complex than most people realise, with the result that the Argentines learned much in the technology transfer. A Type 209 is capable of 20 knots and could remain on station for about 30 days, or until her torpedoes were exhausted. Small, quiet boats, they were well suited to the relatively shallow water around the Malvinas. The Type 209s were assigned "free-fire zones" to the north of the islands. Any ship entering these waters could be presumed hostile. The *Salta* experienced problems early on, Possibly noise-related, and had to return to port. The *San Luis* assumed station during mid-April. On 1 May (some sources indicate 5 May), the *San Luis* attacked a target steaming northeast of Puerto Argentino. She probably snorkeled in the tidal waters off the island, making her detection very difficult. The submarine fired torpedoes at a range of 1,400 yards, but no hits ensued. The submarine was them attacked repeatedly by three frigates supported by helicopters. After 20 hours, the *San Luis* was able to break off contact.

The Argentines also had two former US Navy Guppy-type submarines, the *Santa Fe* and the *Santiago del Estero* (ex-USS *Chivo* [SS-341]). The former had been used to carry frogmen during the recapture of the Malvinas and then, as mentioned previously, was lost to the British while supplying the Georgias. When the fighting began, the *Santiago del Estero* was at Mardel Plata, the Argentine submarine base, in a state of disrepair. She could not submerge, so she sailed on the surface to the Bahia Blance complex where she was camouflaged. The Argentines knew that the British were receiving US aerial and satellite photography, but the Argentines did not know which areas were being photographed or the timeliness of the intelligence. Thus, they hoped to hide the submarine in order to keep the British guessing.

Argentine mining operations remain secret. It is known that the Argentines laid mines around Puerto Argentino.

Operations in Early and Mid-May

On 5 May, the day after the success against *HMS Sheffield*, a Tracker had a submarine contact in the Golfo de San Jorge at 44°01' South, 64° West. The plane dropped depth charges and anti-submarine torpedoes. A second possible contact was made in the northern part of the gulf. It too was attacked by Trackers and Sea Kings. Neither attack was successful.

On 9 May, the Argentine commercial trawler *Narval* was attacked and sunk with one man killed and two wounded. The survivors were rescued by a British helicopter. The following day, the Malvinas command lost radio contact with the transport *Isla de los Estados*. She may have been laying mines. The tug *Forrest* started to search for her, and the following day she found British commando boats near the San Carlos Strait. On this some date, the *Rio Carcana* was attacked by Harriers and abandoned. She had already been offloaded, and there were no casualties. On 13 May, the *Forrest* found the remains of the *Isla de los Estados* and continued the search for survivors. Eventually, only two were found.

The second and last reported submarine attack was made on 10 May. The *San Luis* attacked two surface ships north of San Carlos Strait at about 5,000 yards. The Argentines believe that a torpedo hit one ship but did not explode. No counterattack was made.

During the night of 14–15 May, British commandos attacked the auxiliary airfield on Borbon Island. They destroyed a number of aircraft on the ground, including several Air Force planes and four Navy T-34C trainers. Following the attack, two naval Sea King helicopters flew from Rio Grande to evacuate Argentine naval pilots now without planes. The flight was carried out past the point of no return for their normal fuel capacity—a one-way distance of more than 330 nautical miles. Outbound, the Sea Kings were loaded down with 55-gallon drums of aviation gasoline. Once at Borbon, this fuel had to be pumped into the helicopters by hand so they could make the return trip. During this same mission, the Sea Kings carried munitions to various outposts on the northern part of Soledad Island.

Naval air received a more serious setback later that same day. Because their radars and electronic counter-measures systems were inoperative, the two P-2 Neptunes which had been performing the only long-range aerial reconnaissance were grounded and took

no further part in the war. Contrary to published reports, the Argentines—to the best of the author's knowledge—received *no* satellite intelligence data from the Soviet Union and, in fact, no intelligence support of any kind from the Soviets. In like fashion, there were many rumours about Argentina receiving arms and other material aid from outside the Western Hemisphere, but to the best of my knowledge, all such reports are false.

From 15 May until the close of the conflict, the Argentine Navy had to rely on the Air Force radar at Puerto Argentino and on the S-2 Trackers, which had shorter legs than the Neptunes. The Air Force operated a Westinghouse three-dimensional radar at Puerto Argentino. It enabled the Argentines to calculate the vertical and semi-vertical take-off positions of the Harriers from the British carriers. The information allowed them to approximate the positions of the carriers. The carriers would operate from 90 to 120 miles to the east islands for a number of days in a given area. They would advance at 0830, and from 1200 until 1500 they would remain in very limited ellipsoid approximately 12 miles by 8 while conducting their air operations. The fleet would then retire at 1700. The pattern of the British fleet was mathematical and repetitious. With long-range reconnaissance no longer available, the problem became one of catching a mathematician. The Super Etendard attacks after 15 May were based on such calculations.

On 16 May, Harriers attacked and sank the *Rio Carcana* at Port Rey, which had been abandoned on the 11th. The transport *Bahia Buen Suceso* was damaged by Harriers at Zorro Bay, also on the 16th. Moored to a light pier, she broke loose in a storm and was driven, powerless, on a rocky bottom where she was later found by the British. On 17 May, Puerto Argentino reported British ships to be southeast of town. Two Super Etendards took off, refuelled in the air from Air Force C-130s, and tried to locate their targets. They could not find the enemy and returned to Rio Grande without launching any missiles. The shortage of tactical intelligence proved to be the Navy's greatest handicap during the war.

Another substantial handicap was that of logistics involving the air-to-surface Exocets. Following each mission, such as the one just described, missiles which had not been fired needed to be serviced. To use an anology, the missiles were like batteries. As they went out attached to the aircraft, their charges of programmed information ran down. Before they could be used again, they had to be essentially reprogrammed and recharged. But this could not be accomplished at Rio Grande where the Super Etendards were based, because the necessary equipment was too delicate to be moved there from Espora in the short period of time available. So it became a case of transporting each unused missile 400–500 miles north to be serviced and then returned again to the air base. This transportation was accomplished by Argentine cargo planes, probably a combination of Navy Electras and Air Force C-130s.

Skyhawks Against San Carlos

Early on 21 May, an Argentine Army outpost reported numerous British ships in San Carlos Strait. This information was confirmed at 1004 when a Macchi flew an armed reconnaissance from the airfield at Puerto Argentino. The plane attacked with 127-millimetre rockets and 30-millimetre cannons. The pilot believed he damaged a destroyer, possibly a Type 42, in the access to Puerto San Carlos. She might have been the *Leander*-class frigate *Argonaut*. After the reconnaissance mission, air strikes were called in from the mainland.

The Third Attack Squadron was ordered in. The first attack was made by three A-4Qs, followed by three more 15 minutes later. Each plane was armed with four 500-pound bombs. The pilots did not know the exact position of the enemy units, nor did they know that a landing was taking place. Each plane successively attacked the same Type 21 frigate, later learned to be the *Ardent* (see the below account by one of the Argentine pilots). The bombs from the first two Skyhawks hit near the stern of the ship; the bombs from the last plane, of course, could not be observed. As the planes were pulling out, one of the pilots shouted: "Harrier, Harrier!" The third plane was hit, possibly by small arms fire. Escaping at low altitude, the pilot made his way to Puerto Argentino where he bailed out after determining that his plane could not make it back to the mainland of land on the islands. He was fished out of water by an Army helicopter which submerged its landing skids to enable the pilot to climb on. The first A-4Q may have been hit by

Sidewinder; the pilot lost control and ejected. Both of these pilots were rescued by Argentine forces. The second Skyhawk was lost without a trace.

A second group of A-4Qs attacked at 1530. They had been monitoring the fate of their comrades. They approached undetected and attacked another Type 21. Bombs from the first aircraft straddled the target. Those of the second landed very near the ship's hull; the bombs from the third were not observed. The ship attacked was not identified. All three aircraft returned safely. During the 21st, large numbers of Argentine Air Force planes, which included A-4C Skyhawks, also attacked the British position.

Numerous publications have likened the Argentine attack pilots to the Japanese kamikazes of World War II. One need only to read the account at the bottom of this page to realise that the Argentines were aggressive but not foolhardy. In fact, prudent tactics dictated a low-level approach to get under British radars and Sea Dart surface-to-air missiles. The Argentines have two Type 42 destroyers equipped with Sea Dart, and their pilots had practised against them. One of the things they had learned was that the Sea Dart's radar has a problem in picking up low-flying targets, so they were convinced that such an approach was the most effective. Some British observers have since claimed that the low-level tactics may have contributed to the failure of a number of Argentine bombs to explode after hitting their targets. They claim that the bombs did not fall sufficiently far for their arming mechanisms to work. The author believes the Navy's bombs, which had snake-eye tails to slow their flight, probably had a higher explosion rate than the Air Force's. Even so, this is speculation, and the author has no reliable explanation on such bomb failures.

The weather on 22 May was too poor for air operations. However, the Argentines believed that a British force was positioning itself for an attack against the airfields in Tierra del Fuego at the tip of the mainland. The destroyer *Segui* was positioned off the southern coast to act as a radar picket and other ships were positioned along the sea frontier; however, nothing happened. In the islands, the *Rio Iguazu* was attacked by two Harriers in Choiseul Bay. The Coast Guard craft had just delivered an artillery piece. The Argentines believe that one of the Harriers was downed by a 12.7-millimetre machine gun. One Argentine crew member was killed. While evading the straffing aircraft, the patrol boat ran aground on a rock and was lost. Her sister, the *Isla Malvinas*, was later captured at Puerto Argentino by the British; she had damaged propellers.

On the 23rd, with improved weather, the A-4Qs renewed their attack on the British position at San Carlos. Three of the eight aircraft had been lost up to that point. Unlike the attack of the 21st, the Skyhawks refuelled from an Air Force C-130 on their way to the islands. Once again, the attack was made at low level. The anti-air defence was strong as the ships and land-based anti-aircraft positions created a crossfire. At 1405, one plane attacked a "County" class cruiser; another attacked a Type 21 frigate, which proved to be the *Antelope*; and the third failed to release its bombs. The leading aircraft was extremely short on fuel because of transfer problems but made it back safely. The second plane returned without incident. The third A-4Q successfully dumped its bomb load and then crashed upon landing. The bombs did not release during the attack. The pilot was killed while attempting to eject. The plane itself, although damaged, has since been repaired and returned to service.

While the war was raging, the United States embargoed military-related items from going to Argentina. This included the ejection canisters from the Navy's A-4s that had been sent back to the States to be rebuilt. Some Navy A-4Qs were flying with expired canisters, and others had canisters borrowed from the Air Force. Whether this was a contributing factor to the loss of the pilot mentioned above is unclear; some Argentine pilots believe that it was.

These air attacks, and those made by the Air Force, were unsuccessful in dislodging the British. The Argentine ground forces on the islands did not have helicopter mobility, nor could any advance by the ground forces be given air protection. Therefore, a ground assault had to be ruled out. At 1630, two Harriers attacked the emergency airfield on Borbon. Although the British special forces had destroyed ten aircraft, the field was still operational and in Argentine hands. The Harriers caused little damage.

Despite the successes the British achieved through the use of the vertical take-off and landing Harriers in a number of roles, the Argentine Navy never attempted air-to-air combat. By the time the Argentine planes had flown with the necessary fuel and added tanks all the way to the Malvinas, there was no way they could face the British aircraft on an equal footing; they were simply too overloaded. Even with drop tanks, the Skyhawks were at their extreme range when flying to the islands from the mainland, which didn't leave any fuel for air combat manoeuvring. In addition, the best air-to-air missile available to the Argentines was a Sidewinder B, which was much inferior to the Sidewinder L, particularly when used with the British Bluefox radar. For all these reasons, the Argentines made the conscious decision that their best chance for success lay in going after British ships and ground troops rather than Harriers.

THE SUPER ETENDARDS RETURN

On 25 May, the radar at Puerto Argentino again fixed the general location of the British fleet. It was approximately 100 nautical miles to the northeast of the port. The enemy was about 500 miles from the Argentine naval air base at Rio Grande. The refuelling aircraft was positioned 160 miles to the east of Puerto Deseado. By refuelling in this location, the Super Etendards would fly more than 100 miles north of the Malvinas and thus avoid possible detection by British warships close to the islands. The aircraft refuelled without incident and began their 270-mile final leg. At 1632, the two planes launched their missiles, and they both hit the containership *Atlantic Conveyor* in position 50°38' South, 56°08' West. Flying but 50 feet above the water, the aircraft raced toward Puerto Deseado. The faithful Air Force KC-130s had remained circling at the refuelling site and awaiting the return of the naval aircraft. After refuelling a second time, the Super Etendards returned to Rio Grande. The entire flight took almost four hours.

To the best of their knowledge, the Argentine pilots say that their Super Etendards were never detected while in the process of making an attack. They received no indication through cockpit warning devices, from monitoring British radio circuits, or by what would have been the most convincing sign of all—attempts on the part of Harriers to intercept them.

On none of their attacks did the pilots of the Super Etendards see their targets visually. They had to rely completely on the images on their radar scopes. In the absence of visual targeting information from reconnaissance aircraft, the pilots thus had to aim their missiles at the biggest targets and hope for the best. As a result, they couldn't discriminate between the *Atlantic Conveyor*, a merchant ship carrying aircraft, and the *bona fide* aircraft carriers *Hermes* and *Invincible*. Even when aerial reconnaissance was available, as in the case of the attack on the *Sheffield*, it was difficult to establish precisely the class of ship being fired at.

The fifth and last Super Etendard attack took place on 30 May. Puerto Argentino reported a general location of British units to the southeast at about 100 nautical miles. The Argentines planned an attack sweeping in from the south in a counter-clockwise motion. Capitan de Fragata (Commander) Jorge Colombo, commanding officer of the squadron, explained: "In this opportunity to attack, we decided to go with the air-to-air refuelling a little farther to the east in order to be able to attack flying from the east to the west, because all of the other attacks were from the west. We knew that the British always concentrated their defences on the side toward the islands. They did not believe we could attack from the direction of South Africa." This sweeping approach, of course, was intended to have a radius outside the range of the British shipboard radars. In order to reach the target, which was more than 500 miles from the Rio Grande base, a double refuelling was necessary on the way. Two Super Etendards, one armed with the last air-to-surface Exocet, were accompanied by four Air Force A-4Cs. The second Super Etendard was insurance in case the missile-carrying plane experienced electrical problems. As they had planned, the Argentines took the enemy by surprise. After the Exocet was launched, the A-4Cs followed the missile contrails. They observed a ship shrouded in black smoke at approximately 52°44' South, 55°45' West. They believed her to be the *Invincible*, but the identity of their target remains a mystery.

Following the firing of the last air-to-surface Exocet, the Super Etendards began training in bombing tactics; however, the conflict ended before they could be used in this role.

LAND-BASED EXOCETS

The Exocet missiles, which the Argentines had purchased from the French in limited quantities, came in two basic versions—air-to-surface and surface-to-surface. It was not possible to convert one type to the other. Shortly after the first British ship bombarded Puerto Argentino on 1 May, the Argentines started to evaluate the possibility of installing some of their surface-to-surface Exocets in the islands to try to discourage the British from approaching. Taking an entire shipboard system ashore would have taken 45 days, which was far too long. Instead, an officer and two civilian technicians managed to come up with a makeshift system in only ten days by putting together various components. Two old trailers were used, one for the generator and supporting hardware and the other for construction of two missile ramps. Success in operating the primitive system depended on turning keys in the proper sequence, using a stopwatch, and having some luck.

After the installation was airlifted by C-130 to the Malvinas in late May, its operating location was dictated by the weight of the trailers, which could be used only on paved roads. The only paved road on the island was a short stretch between the airport and the town of Puerto Argentino. At about 1800 each night, the system was dragged out, and by 2030 all was in readiness. Nights went by without a target; at about 0400 each morning, the system had to be hidden away to avoid aerial detection. When the first missiles were fired, they were ineffective but also undetected by the British. During the night of 11–12 June, the Argentine naval personnel manning the makeshift battery succeeded. Their patience was finally rewarded when they hit the "County" class cruiser *Glamorgan* from a range of 30 kilometres while she was returning from a bombardment of Puerto Argentino. The Argentines saw an orange glow coming from the ship prior to observing the impact of Exocet. The cruiser had fired a Sea Cat missile, which missed the incoming Exocet. Three Exocets were captured by British ground troops before they could be fired in the campaign. Amazingly, the Exocet battery, despite operating under very difficult circumstances, had achieved one hit during the campaign.

THE CAMPAIGN ASHORE

When the British staged their amphibious landings in San Carlos Strait on 21 May, they surprised the Argentines who were prepared to defend against an invasion on the eastern side of the Malvinas, in the area around Puerto Argentino. One result of landing between the islands was that the British were able to gain for themselves a day or two of unopposed landing time. Of course, the air attacks against the landing force started on the day of the invasion and continued thereafter, but it did take some time for the Argentine ground forces to be able to engage the assault force ashore. It took even longer for the Argentine Marine force in the islands to be engaged, because their assignment was in the defence of the Puerto Argentino area. Because the British wound up advancing from west to east, the Marines were not immediately involved in ground combat. But they had already come under attack several weeks earlier.

The Fifth Marine Battalion had been on the island since early April, and its assignment in the overall defensive perimeter had come from the Army commander. Including its reserves, the Marine battalion was about 1,000 men strong, representing about one-tenth of the combat troops on the Malvinas. Typically, an Argentine Marine Corps battalion is made up of 70 per cent conscripts, 25 per cent non-commissioned officers, and 5 per cent commissioned officers. Each healthy male citizen is obligated to serve one year in the military. Practically all of the enlisted personnel of the Army and Marine Corps are conscripts. Typically, one-twelfth of a Marine Corps battalion consists of raw recruits just out of boot camp, and one-twelfth has two months' experience, and so on. Marine Corps officers and NCOs are all volunteers and thus career soldiers. In addition to their small arms, the Marines had 106-millimetre, 81-millimetre, and 60-millimetre mortars; anti-tank cannons; and missiles. The Fifth Battalion had, upon arrival, established positions on Mount Tumbledown, Mount William, and Sapper Hill to the west and south of Puerto Argentino.

The Marines faced a number of difficulties in waging their part of the defence of the islands—the weather and terrain, lack of tactical mobility, and inability to prevent attacks from British naval units offshore. After the campaign was concluded, Rear Admiral Eduardo Otero, Commander Naval Forces Malvinas, explained:

"The climate was terrible. . . . Freezing temperatures were very common, and we

had particular problems where the people lived in defensive positions. It was difficult to live in those places, because the water spilled over from the moss, and the rain was accompanied by surface water so that the people's legs were often in water day and night. . . . The land is very bad. It is a land where halftracks or ordinary trucks, although having special wheels, sink. This happened to us with excavators, power machines, tractors, trying to make the defensive posts for ammunition dumps. At times the machines were buried completely and could not be moved."

As a result, ground transportation was at times impossible. Much of the terrain was like a sponge, and when it rained a man could sink up to his knees in what appeared to be solid ground. The problem was compounded because the Argentine Marines did not have troop-carrying helicopters available: the Royal Marines did and used them to good advantage. Capitan de Fragata Carlos Robacio, commander of the Fifth Marine Battalion, told the author:

"We presented an immobile defence, totally immobile to an enemy who distributed himself freely. Moreover, if my battalion had attacked, I know that we would have surprised the English, because the principal reality of the Fifth Battalion was its capacity to attack. It was what we knew how to do best but what we could not do."

Beginning on 1 May, the Marines were bombarded from air and sea for 40 days. Two Harriers seemed to keep a vigil over the Marine position. Capitan Robacio recalled:

"Naval artillery had tremendous precision. Some may say otherwise, but I can assure you of this truth, because I was the first to have casualties on 1 May—one dead and seven injured. They fire at an impressive speed. You, as the enemy, must be well hidden—about 10 metres underground—to escape injury. We were hidden well enough, but if we so much as lifted our heads, we would be decapitated."

Following six weeks of this sort of bombardment and the steady eastward advance of the British ground forces, the British closed in on the defenders of Puerto Argentino. Approximately 8,000 Argentine combat troops held the perimeters. On 11 June, the British made an amphibious landing at North Basin, an area which the Argentines had neglected to occupy. As the British advanced from the beachhead, Argentine forces advanced along two footpaths on either side of the mountain in an attempt to block their progress. The attempt was futile; they were constantly being outflanked by British mobility. On 12 June, Argentine Air Force A-4s attacked the British beachhead. They made their attack through a cloud cover and, much to their surprise, encountered little anti-aircraft fire. They badly damaged the landing ships *Sir Tristam* and *Sir Galahad*. Nonetheless, the British pressed on with their land attack.

A day earlier, on the 11th, the British had attacked the defensive perimeter of Puerto Argentino from the west. This section was held by 3,000 Argentines, including the Fifth Marine Battalion. British air superiority, sea bombardment, and the lack of mobility prevented the Argentines from bringing up reinforcements. The attack began at 2300, and after an intense artillery duel, the British controlled most of the high ground around Puerto Argentino; this had been the last barrier to prevent recapture of the port city. On the 12th, the British consolidated their position. At 1700 on the 13th, a British attack was repelled. A second attack began at 2200 and gained some ground but did not dislodge the Argentine Marines. The Marines then started to prepare a counter-attack, but they had run out of the means to fight. All of their mortars were without ammunition, and their anti-tank guns had been destroyed. Now, when small arms ammunition ran short as well, the Marines were ordered to fall back. At 1230 on 14 June, the Fifth Battalion and supporting Army units were ordered to cease fire and retire to the centre of the town. The Marines destroyed all equipment that they could not carry with them. They had been on the front lines for 66 days, but now all fighting ended.

To provide for the welfare of the island defenders, Argentina converted two of its most valuable auxiliaries into hospital ships, the icebreaker *Almirante Irizar* and the supply ship *Bahia Paraiso*. The ships were well suited to this role. They were new, and each had an operating room. The *Bahia Paraiso* was converted just in time to take part in the rescue of the survivors from the *General Belgrano*. The two hospital ships plied between the mainland and the Malvinas, evacuating the wounded. They had to go in harm's way to Bahia Fox, Howard, Borbon and Puerto Argentino.

SUMMING UP

The Argentine Navy did not operate in a vacuum during the conflict against the British. It did not take nor defend the Malvinas Islands by itself. However, it would be accurate to say that the Navy was primarily responsible for the capture of the islands and played an important role in the air, sea, and land war which followed. The Navy did sustain the heaviest losses of any of the services, most of them resulting from the sinking of the *General Belgrano*. Overall, approximately 375 naval personnel died, 260 in the Army, and 55 in the Air Force.

Victory has no substitute, and the Argentines lost. The Navy's greatest disappointment was its inability to hold the recaptured islands—regardless of the size and capability of the opposing forces. Also, the Navy was unable to cope with the British nuclear submarine. All the years of UNITAS exercise in conjunction with the US Navy and those of Latin American nations had been for nought. The inability of the two Type 209 sub-marines to score a success was disappointing. The fleet lost one cruiser, one submarine, and a few small auxiliaries. In addition, a few units were damaged; all have since been repaired. Of the fleet losses, it is the cruiser which will be missed. The *General Belgrano* provided a unique dimension with firepower that might have proved useful for support. The submarine, however, was old and less capable than the Type 209s.

Tactical errors were made. Positive control of tactical air operations was never achieved. Also more than half of the naval aircraft lost were destroyed on the ground by British forces. Aircraft losses were moderate. Naval aviation lost three A-4Q Skyhawks, five MC-33 Macchis (three on the ground at Puerto Argentino), four T-34s on the ground at Borbon; two Skyvans on the ground, one Puma, and an Alouette lost with the *General Belgrano*. Only four Navy pilots were lost.

The successes are also important. The Navy remained intact in spite of confronting the third most powerful fleet in the world; this preserved the regional balance of power. Naval personnel who manned the "island hoppers" which provided logistical support in the Malvinas and those who devised and operated the land-based Exocets contributed significantly to the defence of the islands.

The Marine Corps performed admirably. The Second Marine Battalion captured the islands in a classic amphibious landing. Admittedly, it was opposed by only a handful of men. In spite of receiving and returning fire at the landing beach, at Government House, and on the outskirts of what was then Port Stanley, the Marines inflicted no casualties on the British—in keeping with their orders to avoid casualties if possible. The Fifth Marine Battalion and the Marine Anti-aircraft Battalion fought very stubbornly in defence of the islands. As mentioned above, they did lack mobility. Prior to the war, the Navy acknowledged that the Marine Corps needed the kind of air mobility that only helicopters could provide. The recent war should increase the priority of their acquisition.

In recounting the successes of the campaign, the Navy must be pleased with the performance of its air arm. The Super Etendard pilots had fewer than 100 flight hours in the aircraft prior to the conflict. Five Exocet air-launched missiles were in Argentina, but none was operational. The Argentines not only got the missiles ready to fire but also devised the necessary tactics during gruelling hours of practice after the capture of the islands. The ageing Skyhawk squadron, initially composed of eight aircraft, sank the Type 21 frigate *Ardent* and possibly the *Antelope*. They also attacked other British ships and believe they damaged some. Naval support aircraft—Fokkers and Electras—completed 75 per cent of their supply runs to the islands and operated up to the last day of the war. Naval reconnaissance aircraft, including the Trackers and Neptunes, were capable of locating British units and maintaining contact. None of these planes was lost.

What were the military lessons for Argentina? Only premeditated wars can be planned around this or that piece of military hardware. Why didn't Argentina wait six months for more Super Etendards? Why didn't they wait a year until the plan to pay off much of the Royal Navy had been carried out? The answers are simple. This war was caused by an unanticipated series of events heaped upon years of frustration. Until war did begin, few believed that the dispute would result in hostilities. The most important military lesson is not a new one but is one that bears repeating—few wars can be scheduled; most must be fought with what is already on hand or immediately available.

A long-term lesson is that the Argentine Navy must learn to deal with the nuclear submarine. A few attack submarines were able to neutralise the Argentine surface fleet. Argentine newspapers have reported that the Nuclear Commission is studying the possibility of an indigenous nuclear submarine. In the author's opinion, such a development would squander national resources. A better alternative might be the development of an indigenous SOSUS barrier. The continental shelf off Argentina is very wide and would lend itself to such a defensive system. During the war against Britain, the Argentine Navy exhibited great ingenuity, particularly when it came to modifying electronic equipment to meet its immediate needs. These skills might be able to develop a SOSUS barrier. Such a system would have to be backed up by P-3 type patrol aircraft and anti-submarine helicopters. The aircraft without SOSUS, though, would force the Argentines to look for a needle in a haystack. The entire proposed system—aircraft, SOSUS, and all—would probably cost Argentina less than one nuclear submarine.

What does the future hold? The Argentines will exert as much political, economic, and military pressure as possible upon the British-held islands. Argentina will continue the embargo of all commerce with the islands. Prior to the war, all petroleum and many other imports had come from Argentina. Politically, Argentina will continue to influence other Latin American countries not to allow their territory to be used for trans-shipment to the islands. Prior to the war, Montevideo, Uruguay, had been an important terminal for the islands' production of wool and mutton. Uruguay and Brazil are now closed for traffic to and from the Malvinas. Prime Minister Margaret Thatcher's recent gruelling trip to the islands should underscore the success of the Argentine effort in making transportation difficult. Militarily, the Argentines will develop a threatening force. For the Navy, this can best be achieved by the completion of its new submarine fleet. By the late 1980s, the two Type 209s will have been supplemented by six new boats.

The Argentines and the author continue to believe that the Malvinas are theirs, even though their diplomatic and military efforts have so far failed. The British have held the islands for 150 years, and in that time the Argentines have not been able to conclude successful negotiations concerning the sovereignty of the islands. But the war has achieved one goal. The world now knows the seriousness of the issue. Admiral Ruben Franco, Commander in Chief of the Argentine Navy, puts it thus: "The objective established, to recover the Malvinas, Georgias, and South Sandwich Islands, remains intact; our desire to win has not been crushed. We will never give up our seized southern territory." And Marine Officer Robacio offers his outlook for the future: "I think that the Malvinas will be tranquil for a brief period, but we will be back. Maybe it will be my son or grandson, but we will be back."

APPENDIX 7

WHERE WERE THOSE ARGENTINE SUBS?[14] (FI/81)

Article by Dr Robert L Scheina

The maze of fathom lines didn't lead the British to the Argentine Navy's eight-year-old conventional submarine which operated for almost six weeks against the ASW-oriented Royal Navy. Much of the story of the Argentine submarine war in the South Atlantic has been hearsay until now.

Rumours persist conerning Argentine submarine operations during the Malvinas War. What follows is based primarily on interviews with Argentine submariners who fought in the war and who spoke freely and without notes—or a senior officer looking over their shoulders. A few dates used here are approximated and stated as such.

These interviews underscore some political truths concerning Argentine naval operations in the South Atlantic War. First, the submarine command—like the marine corps and naval aviation—was not ordered to prepare for the recapture of the Malvinas until well into 1982. In fact, the Argentine submarine force was in a state of transition. It was preparing for the arrival of new boats being built in West Germany, and many of its experienced personnel were in Europe. The first new boat was scheduled to become

[14]Reprinted from *Proceedings* by permission: Copyright © March 1984 US Naval Institute.

operational early in 1984. Second, Argentine forces were ordered to avoid inflicting casualties in the recapture of the islands. Only one submarine took part in the recapture of the Malvinas, and she did not have permission to use her torpedoes.

When Argentine naval commands were told to prepare for the recapture of the Malvinas, the Commander of the Submarine Force controlled four boats, two old US "Guppy" units and two modern, German-designed "Type-209s". The commander was directly responsible to the Commander of Naval Operations, who during the war would be appointed Commander of South Atlantic Theatre Operations. Both "Guppys" suffered from the effects of old age. The *Santiago del Estero* (ex-USS *Chivo* [SS-341]) had been decommissioned in September 1981. She was stationed at the submarine base at Mar del Plata and was being used for static training. The operational capabilities of the *Santa Fe* (ex-USS *Catfish* [SS-339]) were considerably reduced. In particular, the sensors were unreliable, and the batteries could take only a limited charge. Argentine efforts to keep these boats operational had been severely hampered by the US arms embargo, which had been in effect since 1976.

The strength of the Argentine submarine force was its two "Type-209" submarines. The *Salta* was undergoing major yard work, and she was scheduled to undergo trials in mid-April in Golfo Nuevo. The work may have been rushed, possibly because of the events in the Georgias, and on 2 April, the *Salta* sailed from Mar del Plata to Golfo Nuevo for evaluation operations. The *Salta* made excessive noise on her trials, which rendered her unfit for combat operations. The *Salta* could not be made ready before the end of the conflict. The *San Luis*, the second "Type-209", was technically fully operational, but her crew had only recently been assembled.

The *Santa Fe*, the only submarine to be used in the recapture of the Malvinas, departed Mar del Plata on 26 March under orders to put a small group of commandos ashore off Cape Pembroke Lighthouse at the entrance of Port Stanley. The lighthouse had been equipped as a look-out post with a direct telephone line to police headquarters. The commandos were to capture the position without inflicting casualties, if possible. The *Santa Fe* did not have permission to attack any shipping, and she was ordered to break contact with any ships that made contact with her. She was ordered to remain undetected. The *Santa Fe* initially travelled on the surface; but as she neared the islands, she submerged to snorkel depth. The boat arrived off the Malvinas on 29 March and monitored British activity. During that night, the *Santa Fe* detected a ship leaving Port Stanley on a northern course. Based on her sound signature, those on board the submarine believed this to be *HMS Endurance*. However, they were wrong. The *Endurance* had sailed on 21 March for South Georgia. The Argentines may have detected a survey ship, which carried 40 Royal Marines for the routine relief of the detachment on the Malvinas.

During the evening of 31 March, the *Santa Fe* received a radio message stating that the element of surprise had been lost and that the lighthouse was now fortified. The commandos were now ordered to land more to the north and secure the beach for amphibious vehicles. The submerged submarine moved to within 200 metres of the beach and surfaced at 0200 on 2 April; the commandos paddled ashore in three Zodiac boats. They carried out their task without incident. The *Santa Fe* submerged and proceeded to a position to the east of Port Stanley. Following the recapture of the islands by Argentine forces, the submarine patrolled the area for five days before being ordered to return to Mar del Plata on about 8 April.

The *Santa Fe* was ordered to prepare for a 60-day patrol. Fuel, food, and torpedoes—US Mk-14s and Mk-37 Mod 3s—were loaded. The Mk-14 is an antisurface torpedo with a maximum range of 9,000 yards, although its optimum range is between 1,500 and 3,000 yards. The torpedo entered service in 1938 and has a top speed of approximately 46 knots. The Mk-37 Mod. 3 is an antisubmarine torpedo which entered service around 1960. Since it does not run in a straight line, the maximum range is dependent upon the movement of the target. Given the ages of *Santa Fe's* fire control system and sensors, the Mk-37 could not be used effectively beyond 2,000 yards or possibly a shorter distance, depending upon such conditions as water temperature. The *Santa Fe* was not capable of firing the newer wire-guided torpedoes.

The *Santa Fe's* immediate task was to transport 20 men to the Georgias. Eleven of these individuals were technicians needed to restore services on the islands, and nine

were marines. The Argentine Marines who captured the islands on 3 April had only small arms. These marine reinforcements were personnel trained in antitank weaponry. The submarine also carried communications equipment and Bantam anti-tank missiles. The passengers embarked during the night at Mar del Plata, and the *Santa Fe* departed. The submarine headed for the pricipal island, San Pedro (South Georgia), and initially ran on the surface. Shortly after departing, the *Santa Fe* encountered a winter storm typical in these waters with winds between 40 and 50 knots from the south-southwest. On 21 April, the submarine submerged and continued her approach, either completely submerged or snorkeling. However, the intensity of the storm increased, and the *Santa Fe* could not snorkel because of the height and force of the waves; so the submarine contined her transit on the surface.

On 23 April, when within 100 nautical miles of San Pedro Island, the *Santa Fe* received a message from Mar del Plata stating that she could expect opposition from British surface ships and submarines. Two approaches to the Georgias appeared possible. The first was to run straight in and reduce the time in transit. The second was to circle the islands to the north and approach Grytviken from the south. This route greatly increased the transit time but possibly reduced detection. Following consultation on board, the direct route was chosen. The approach was made submerged—part of the time using the snorkel in order to conserve the battery. As the submarine passed east of the islands, she reached waters that were more protected from the heavy seas. At about this time, the *Santa Fe* detected the transmission of a high-frequency sonar, about ten or 12 kilocycles. The decision was made to continue the mission. At about 2200 on 24 April, the *Santa Fe* surfaced in front of Cumberland Bay. The night was dark, cloud covered, and without a moon. The submarine entered Cumberland Bay on the surface. In front of Grytviken, very high-frequency communications were established. Launches from Grytviken transported the marines and supplies to the island. The transfer began at about 0230 or 0300 and took about two hours to complete.

The *Santa Fe* departed Grytviken sailing along the shoreline of Cumberland Bay in order to be less visible and looking for a favourable location to submerge. As she was departing, the *Santa Fe* was attacked by a helicopter coming from the land side. The helicopter fired missiles or rockets, and at least two hit the submarine. A second helicopter joined in the attack. Rifles in the submarine's armoury—the only weapons on board except torpedoes—were passed up to the bridge and used against the helicopters. A third helicopter teamed up with the other two, and the *Santa Fe* was damaged further. At least one torpedo was dropped by a helicopter believed by the Argentines to be from *HMS Endurance*. However, this caused no damage and may have failed because of the very shallow water. The *Santa Fe*, now in a sinking condition, returned to Grytviken where she was abandoned and later captured by British forces.

During the attack, Petty Officer Alberto Macias, the mess steward, was passing up rifles and ammunition from inside the sub's sail when a rocket amputated his foot. Without anyone's help, he climbed down the ladder, sat in the control room and told his shipmates, "I know what has happened, never mind, go on fighting, just send me the medic." He was later decorated for valour. Some days later, when the crew members were already prisoners of the British, Chief Petty Officer Felix Artuso was killed by a sentry in an episode described by the British as an "unfortunate incident." These were the only casualties suffered by the Argentine submarine force during the war.

Had the *Santa Fe* escaped the attack in Cumberland Bay, it seems likely that she would have been used against the British supply lines between Ascension and the Georgias. Argentine naval intelligence had predicted that should negotiations fail, the British would first move against the Georgias and that this would happen in late April. The *Santa Fe* and her torpedoes were obsolete and would have been at a real disadvantage against a British carrier task force. However, the *Santa Fe* would have had a better chance of success against the unescorted British supply lines, and at a minimum, likely would have complicated British naval operations and plans.

The sinking of the *Santa Fe* by British forces escalated the crisis, perhaps to the point of no return. Those who speculate that the sinking of the Argentine cruiser *General Belgrano* on 2 May ruined any possibility of peace are wrong. That the Argentine carrier group with its A-4 aircraft, as well as the Super Etendard, flying from shore bases,

attempted an attack on 1 May and that the submarine *San Luis* also attacked a British task force on that day support the belief that the early morning British bombing of Puerto Argentino (Port Stanley) on 1 May or possibly the sinking of the *Santa Fe* on 26 April had ended the possibility of a diplomatic settlement.

By late April, the Argentines believed that Great Britain was receiving satellite intelligence from the United States. In an attempt to keep the British guessing, the *Santiago del Estero*, the "Guppy" being used as a static training boat, sailed to a hideout in Puerto Belgrano. She had to travel on the surface since she could not submerge. The Argentines hoped that the British would learn of her absence from the submarine base and believe she was on patrol.

The hopes of the Argentine submarine force now rested solely on the *San Luis*. This boat, like her sister *Salta*, had been built in Germany and assembled in Argentina in the mid-1970s. The following is an interview with her commanding officer, Commander Fernando Maria Azcueta, conducted on 20 September 1983.

Author: What is the size of the *San Luis*'s crew?

Azcueta: There are 28 men and seven officers.

Author: What is the operational time limit of the "209s"?

Azcueta: In general, approximately 60 days.

Author: What type of torpedoes were used on the "209s" during the war?

Azcueta: Fundamentally, the primary torpedo is the SST-4 of AEG-Telefunken, and the anti-submarine torpedo is the US Mk-37 Mod. 3.

Author: Did you have both types of torpedoes on board during your war patrol?

Azcueta: Yes, because the SST-4 has only an anti-surface capability. It does not have an anti-submarine capacity.

Author: What date did you depart on your patrol during the Malvinas War?

Azcueta: We sailed from Mar del Plata at the beginning of April—the second week.

Author: Did you return to port, or was your patrol continuous?

Azcueta: Continuous.

Author: Can a "Type-209" remain submerged during an entire patrol?

Azcueta: Yes, normally.

Author: Did you surface at all during the patrol?

Azcueta: On one occasion we had to surface to make a repair.

Author: What were your orders?

Azcueta: The orders were classical for a submarine: to act offensively, attacking enemy naval units. But at the time we sailed we had restrictions because of the political nature of the crisis.

Author: You were in constant touch with Mar del Plata?

Ascueta: Yes, we had no trouble with communications. Naturally, I did not transmit; however, I could receive. During the conflict, I broke radio silence three times.

Author: How many attacks did you make against the British—and on what dates? What tactics did you use?

Azcueta: Your article ["The Malvinas Campaign"] in *Proceedings* [May 1983] is very accurate.

Author: I speculated that the *San Luis* was stationed to the north of the islands in a free-fire zone. The submarine snorkelled primarily at night very close in near the islands. This operations area is about 800 nautical miles from the submarine base. Was this correct?

Azcueta: You are right.

Author: Your first attack, would you describe it? What type of ship did you attack—large or small? Did you use the periscope?

Azcueta: We did not have a periscope sighting [on 1 May] because the visibility was very poor. We used the periscope but could not see the target. But we had very good sonar contacts. The classification of the target was incomplete, but we could determine that the targets were medium-sized warships operating helicopters.

Author: What types of sonars were you listening to?

Ascueta: British 2016 and 184. The targets were medium size: perhaps "Type-42s" and possibly some "Type-21s" or "Type-22s".

Author: What was the range?

Azcueta: You were wrong in your article. The correct range was about 10,000 yards. This is a good distance for this type of torpedo.

Author: What type of torpedo did you fire?

Azcueta: An SST-4.

Author: Is this wire guided?

Azcueta: Yes.

Author: What went wrong? Did it leave the sub?

Azcueta: Yes, it left. However, we had two problems. First, the fire control computer was out of service. Second, we received the signal that the wire broke about three minutes after being fired.

Author: How many torpedoes did you fire?

Azcueta: One.

Author: I have heard a rumour that the backup computer to the main fire control computer also failed. That when this backup computer was installed the wires were reversed. Therefore, when the torpedo was fired it would obey a signal 180° in error.

Azcueta: No, that's not true. The submarine had only one fire control computer. If the computer doesn't work, the only chance that we have is to calculate the firing information manually. After firing, we had the capacity to guide only one torpedo at a time in manual mode. After the torpedo is launched in manual mode, the torpedo is guided manually, and we had control of the torpedo. When the signal indicated that the wire was cut, we lost all control.

Author: Was there a counter-attack by the British forces?

Azcueta: Yes, there was an attack by helicopters. The ships, it was our impression, opened the distance from us, and the helicopters worked on us.

Author: For how long?

Azcueta: For 20 hours, the helos searched and attacked.

Author: What weapons did they use?

Azcueta: They dropped many depth charges, but many of these must have been for psychological effect because some were far away.

Author: Were you attacked with torpedoes?

Azueta: They fired at least one. We heard one torpedo immediately after an emission from a helicopter's sonar at 10 KHz.

Author: Was the torpedo launched by the helicopter?

Azcueta: Yes.

Author: How deep was the water there?

Azcueta: Shallow—about 100–120 metres.

Author: In general, the water north of the islands is between 100 and 150 metres?

Azcueta: It's not very regular.

Author: Was the counter-attack very intense?

Azcueta: I cannot say, it was my first; I have nothing to compare it to.

Author: Did you receive any damage?

Azcueta: No.

Author: You attacked another surface target. Can you provide details?

Azcueta: The other attack against a surface target occurred on the 10th of May against two destroyers navigating in approximately a line abreast. They were leaving the vicinity of the Strait of San Carlos. One of them I suspect had sunk the *Isla de Estados*. That ship was coming northward out of the strait and the other southward from north of the islands. They joined up just north of the strait and headed in the direction of Puerto Argentino. The *San Luis* occupied a firing position in front of and between the destroyers. With the same computer limitation that existed during the first attack but with very good firing information and a close range, we attacked the target near the islands. We knew the course and speed of the target, plus the distance. But we had problems with the torpedo. The torpedo was fired, but the wire broke after two-and-one half minutes. After six minutes, we heard a small explosion from the bearing of the target; it sounded metallic, or it could have been a small training charge. By the time we positioned the submarine to fire at the second target, it was too late. The high speed of the target put it out of range.

Author: What was the distance to the target?

Azcueta: The distance cited in your article was right, 5,000 yards.

Author: Did the British counter-attack?

Azcueta: No.

Author: Did you use the periscope?

Azcueta: No, it was at night and very dark. Actually, it was about 1.30 am on the 11th.

Author: Was there another attack?

Azcueta: There was another attack [on 8 May] against a target that was very difficult to classify. The attack was made with a Mk-37 torpedo. Obviously, the target was not a surface ship.

Author: How many torpedoes did you use?

Azcueta: One.

Author: What happened?

Azcueta: Twelve minutes after launching, we heard the explosion of the torpedo's warhead from the bearing of the target.

Author: Could the torpedo have exploded against the coast or bottom?

Azcueta: It could have.

Author: Where was this attack on the suspected sub?

Azcueta: More or less in the same area as the other two.

Author: What time of day was it?

Azcueta: About 7 pm

Author: How far was the target?

Azcueta: It was very near—about 3,000 yards.

Author: Could you determine if your target was a conventional or a nuclear submarine?

Azcueta: Well, it is very difficult to know because the classification is very difficult. It is much easier to classify surface targets than submarines. We didn't have enough experience against nuclear submarines.

Author: It wasn't moving at 28 or 30 knots?

Azcueta: No, not at all—it was travelling at six or eight knots. But the target didn't have any cavitation noise.

Author: What does that mean?

Azcueta: That the target was moving very slowly, but had intelligent movement. We obtained all the targeting information, including the distance from sonar and passive telemetry.

Author: Is it hard to maintain high spirits on such a patrol?

Azcueta: Yes it is, but, naturally, it is the life of a submariner. The most important thing is to control your nerves. Our personnel performed very well. They passed their first attack against an enemy in complete calmness. We did not have any discipline problems. They were always alert and anxious for action. It is very important to be persistent, and I believe with but this brief combat exercise, our personnel learned they had what it takes.

Author: What date did you return from the patrol?

Azcueta: At the end of May.

Author: Why was the decision made to return to Mar del Plata? Was it because of the torpedoes?

Azcueta: Naturally. The decision was not mine. After each attack, I had radioed a report. I was ordered to come back in.

Author: Have the mechanical problems been solved?

Azcueta: Yes they have, but not until after the fighting had ended. We did not have time to send the *San Luis* on a second patrol. When Puerto Argentino fell on 14 June, the *San Luis* was almost ready to sail on a second patrol. All of our problems had been corrected.

Thus, when Puerto Argentino fell to the British on 14 June, not one Argentine submarine was operating against the enemy. The *San Luis* was preparing for a second patrol. The *Salta*'s noise problems had not yet been solved. The *Santiago del Estero* was inoperative at Puerto Belgrano, and the *Santa Fe* had been lost in the Georgias.

The Argentine submariners must have both a feeling of frustration and pride. They alone among the naval forces might have been able to turn the British fleet from its attack on the Malvinas. Had the Argentine submariners been able to sink a few key naval units, the British would have been faced with a longer and increasingly more difficult task. But with only one modern submarine available, the odds were not very favourable for the Argentine submarine force. The Argentine submariners must take pride in the fact that the *San Luis* with a relatively inexperienced crew attacked modern warships of a navy specialising in anti-submarine warfare and evaded its counter-attack. The fact that the *San Luis* was hurriedly being prepared for a second patrol demonstrates that the Argentine submariners were frustrated but not defeated.

Argentine submarine operations raise questions for many world navies. For Argentina, the question must now be how to improve efficiency. In a frank discussion, Admiral Ruben Franco, then-Commander in Chief of the Argentine Navy, told the author that the Argentine Navy must create a wartime environment during training. This will be very expensive; however, the admiral stated that the work has already begun. Firing one torpedo in practice costs $10,000 *if* one recovers it. Exploding a live torpedo against a target costs hundreds of thousands of dollars. It is rumoured that an Argentine submarine fired a combat torpedo against an old ex-US destoyer hulk in November 1983.

A question for medium-sized navies is: Can a small submarine force of four or less boats be adequately maintained to warrant its high cost? For the Argentines, it is clear that they have to gear the maintenance of their new submarines in such a way as to be unaffected by political embargoes of foreign supplies.

For the British, the question is: Did the British fleet effectively deal with the *San Luis*, or did the failure of the Argentine torpedoes make the difference? Had the *San Luis* successfully penetrated the British ASW defences on 1 May before firing? Were the surface ships attacked on 10–11 May aware of their opponent? If so, why didn't they counter-attack? Did the *San Luis* attack a British submarine on 8 May. If so, did the British sub even detect the Argentine submarine?

For the United States, the question is: Does the US Navy need modern, conventional submarines? The next torpedo to slam into a US warship might well be fired by a conventional submarine belonging to a Libya or a North Korea. Admittedly, nuclear submarines are superior to conventional ones; however, the conventional submarines can have a few important tactical advantages. First, they are much quieter except when snorkelling. Also, they are much smaller and thus hard to detect, which allows them to go places where a nuclear-powered submarine would not venture. Perhaps the United States needs modern conventional submarines for training if for one other reason. Is the United States ready to deal with the conventional submarine?

APPENDIX 8

NEW REVELATIONS ABOUT THE FALKLANDS BY AN EX NAVY CHIEF (FI/84)

Translation of an article from *Clarin*, Buenos Aires, Wednesday 18 April 1984

The former commander of the South Atlantic Theatre of Operations, Rear-Admiral (Retired) Juan José Lombardo, clarified yesterday that, when he stated that had he been in the place of the commander of the English submarine *Conqueror* he would have obeyed the order to fire against the cruiser *General Belgrano* he was referring only to the military aspect of the event, not the political—that is, whether the decision was opportune or not.

Lombardo explained that "as commander of a ship ordered to attack, I would have attacked" because otherwise he would have exposed himself to the penalties of the military code. But he added that "the one you have to ask if the decision was good or bad is he who ordered the attack, not the commander who made the attack".

This is the way the naval leader explained the meaning of the declarations he made in an interview which he gave in February to British TV which was broadcast in London and known here through press reports.

These declarations had caused upset, in the Navy, whose unofficial sources term the senior officer's decision to give an interview to the BBC, and its content, "a gross and regrettable error".

Answering, Lombardo expressed himself also on other so far little known aspects of the cruel wartime episode in which 368 sailors lost their lives, and the Falklands conflict.

"What the despatch the papers print is correct but incomplete," said Lombardo when consulted concretely on the news from London.

"The journalist asked me what I would have done had I been the commander of the *Conqueror* and I replied that, as a naval officer, commanding a vessel ordered to attack, I would have attacked. That's elemental; not doing so would expose one the penalties which the Military Code of the Argentine or any other country established for armed forces men ordered to attack who do not do so," Lombardo added.

"But I added to him at once that who he had to ask if the decision was good or bad was the one who ordered the attack, not the commander who attacked. I can't term this order correct or not—though certainly inopportune as concerns the peace negotiations; that is, this sinking really frustrated a concrete possibility of reaching an agreement, that's what I said," the ex naval leader continued.

He clarified also that his interview with English TV had prior authorisation from the Navy and took place in the Liberated building (the Navy HQ in Buenos Aires.)

Asked about the *Belgrano*'s mission when attacked and if it was a real danger to the British fleet, Lombardo replied that it was "an old ship, really old, but which had always had great power. She was a ship from the start of World War II, no danger for the British fleet, but one for a ship on its own, or for a small group of fairly isolated and second-class units."

Regarding the *Belgrano*'s mission he said it was precisely "that, to stay out of the Exclusion Zone in wait, after the action on May 1 for any vessel it might attack. At that moment she was outside the Exclusion Zone".

Asked why the Navy ships escorting the *Belgrano* did not help her, Lombardo recalled that the English interview has asked the same question and he answered at once.

"In World War I the first spectacular submarine action was when a German submarine attacked three British ships in the Channel. It fired a torpedo at one ship and hit it. The ship began to sink and the other two stopped to pick up survivors. The submarine lifted periscope, aimed, and fired a torpedo at the second ship, and hit. The third ship went on picking up survivors. The submarine aimed, fired, and so sunk the three cruisers.

"Anyone who knows this story doesn't ask again," stressed Lombardo. "Ships aren't at sea to pick up survivors, but to fight and not to be sunk. That's the mission of warships."

He added: "It seems tragic, but that's war. People who make war aren't nurses, but soldiers who kill people. They're there to fight others and cause damage".

However, the ex naval chief explained then that in the *Belgrano* incident the Argentine high command quickly perceived that this was an "essentially political attack" whose objective was to demonstrate that the submarine was there.

18 *April* 1984

APPENDIX 9

THE "PINCER MOVEMENT" FUNCTION OF THE BELGRANO (FI/85)[15]

Note by Paul Rogers

1. In a "Panorama" interview broadcast on 16 April 1984, the retired Argentine Rear-Admiral Lombardo seemed to suggest that the *Belgrano* was part of a pincer movement against the Task Force.

2. Examination of the transcript shows that the term "pincer movement" was actually suggested to him by the interviewer. Lombardo's spoken English is imperfect.

3. Lombardo gave an interview to *Clarin* the day after the "Panorama" programme, and a translation of the relevant extract of this is as follows:

> Asked about the *Belgrano*'s mission when attacked and if it was a real danger to the British fleet, Lombardo replied that it was "an old ship, really old, but one which had always had great power. She was a ship from the start of World War II, no danger for the British fleet, but one for a ship on its own, or a small group of fairly isolated and second-class units."
>
> Regarding the *Belgrano*'s mission, he said it was precisely "that to stay out of the Exclusion Zone in wait, after the action of May 1, for any vessel it might attack."

[15]Dr Paul Rogers, of the Bradford Peace Studies Institute, was asked on 20 November to illuminate his suggestion in para 11(c) of his Memorandum (Appendix 4) that Admiral Lombardo had "since claimed he was quoted out of context". This constitutes his reply.

4. This would appear quite incompatible with the "pincer movement" notion, and tends to confirm the views of Gavshon and Rice, as well as those of the former officer of *HMS Conqueror*, interviewed in "World in Action", 3 December 1984.

5. It should be added that the *Belgrano* was, in any case, given new orders during the night of 1–2 May 1982, recalling it from patrol. It acted on these orders some 11 hours before it was attacked on 2 May 1982, and during the period sailed some 130 miles towards the coast of southern Argentine.

Paul Rogers
6 *December* 1984

APPENDIX 10

COSTA MÉNDEZ DENOUNCES PYM (FI/93)

Translation of an article from *Clarin*, Buenos Aires Wednesday, 18 April 1984

Former Chancellor Nicanor Costa Méndez maintained in a statement yesterday that the former British Foreign Minister, Francis Pym, was misrepresenting reality when he stated, in a recent interview, that "neither the text of a peace plan nor any concrete proposals were put to me in Washington on 2 May during my discussions with General Alexander Haig" and that "it is now accepted as the truth [that] Mrs Thatcher ordered the sinking of the *Belgrano* when she knew the outcome of the peace negotiations".

Pym's statement denied by Costa Méndez, was contained in an exclusive interview with the former English minister which *Clarin* published on the 15th of this month.

Costa Méndez said that these statements by "the former British Minister for Foreign Relations" were so far from the truth that "I cannot let them go by".

"The facts and the testimony of all those who took part in the events of 2 May—recalled the Argentine Chancellor—contradict his words."

"President Belaunde [Fernando Belaunde of Peru said on the telephone to President [Leopoldo] Galtieri in the early hours of the 2nd: 'This is the text that has come out of a conversation in which the Secretary of State showed that he very much wants to be able to take something concrete to his dialogue with Mr Pym tomorrow and later on stated: before 10 tomorrow morning, when the Secretary of State is going to have dicussions with Pym, it might be possible to gain some agreement about these points of view . . .' and later, at 11 in the morning of the 2nd added: 'look, the American Ambassador has rung me and put to me two very small matters . . .'

Costa Méndez added that the British Ambassador to Washington, Mr Henderson (Mr Pym's subordinate during the war) declared in an article bearing his signature, which was published by London's *The Economist*" on 12 November 1982 that "during the morning . . . Haig met Pym for a tête a tête which lasted two hours.

"Finally," added Costa Méndez, "Mr Haigh, the most important witness, says in relation to the Peruvian plan in his memoirs, which do not exactly argue in favour of the Argentine position or show excessive apprecation for our country: 'In any case it won the acceptance in principle of both sides.' "

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APPENDIX 11

TRANSLATION OF EXTRACTS RELEVANT TO THE COMMITTEE'S REPORT FROM *MALVINAS: LA TRAMA SECRETA*, BY O R CARDOSO, R KIRSCHBAUM AND E VAN DER KOOY (ELEVENTH EDITION, JANUARY 1984, PUBLISHED IN SPANISH BY EDITORIAL PLANETA ARGENTINA SA) (FI/92)

A. PART THREE, CHAPTER 1 *(UN "PAPELITO" PARA CUIDAR)* (pp. 221–246)

"In any case, perhaps the United States was the most interested in resuscitating the negotiations, because in the last resort they did not want to have to choose between Argentina and Great Britain, as they had to do in the end. Even with the position taken up in favour of Margaret Thatcher, the Republican Administration encouraged from Washington the Peruvian Government of the architect Fernando Belaúnde Terry—a man who has made his relations with the North very firm, especially with financial sectors—to convert it into a willing mediator.

"Not everyone shared the idea that the hand of the White House was hidden behind the Peruvian offer, but their own Ambassadress Jeanne Kirkpatrick confirmed this impression to the authors. 'It was a new Haig Mission in disguise,' she even affirmed." [pp. 223–4]

"The President of Peru transmitted the seven points in the Peace Plan which the [Argentine] Foreign Minister received via a confidential telex from the Peruvian Ambassador, Luis Pedro Sánchez Moreno.

"The proposal was as follows:

(1) Immediate cease-fire.
(2) Simultaneous and mutual withdrawal of forces.
(3) Presence of representatives from outside the two parties involved in the conflict to govern the Islands temporarily.
(4) The two governments to recognise the existence of disagreements on the position of the Islands.
(5) The two governments to recognise that the points of view and interests of the local inhabitants have to be taken into account in the definitive solution to the problem.
(6) The contact group which would intervene directly in the negotiations to implement this agreement would consist of Brazil, the Federal Republic of Germany and the United States of America.
(7) Before 30 April 1983 a definitive agreement would be reached under the responsibility of the above-mentioned group of countries." [p. 225]

"At that time [Between 12 noon and 2 pm Lima time on 2 May 1982] Belaúnde had a telephone at each ear. On the one hand he was listening to suggestions from Haig, who had his channel with London open via the Foreign Secretary, Francis Pym, who was visiting him in his office in Washington. On the other hand we were impatiently waiting for approval from Buenos Aires. Costa Méndez was quite taken in with the Peruvian President's proposal and even took the risk of saying during one of the telephone conversations that they were on the verge of an agreement: 'I cannot say yes, or no, sir,' commented Costa Méndez, knowing that in the end everything depended on military opinion. And he added: 'If we rescue one or two items I think it will get going.'—'Let me take the document to the Junta, which is meeting this afternoon. Keep calm,' the Foreign Minister almost begged." [p. 228]

"What is certain is that it was Kirkpatrick herself who encouraged intervention by Pérez de Cuéllar, because she guessed that Belaúnda Terry's mission would inevitably exhaust itself. Kirkpatrick had put forward her proposal to Reagan, although the ambassadress admits that she had the support of the White House but 'not exactly of the President.'

Nevertheless, according to investigations carried out, there existed a consensus in the White House in favour of promoting Pérez de Cuéllar's initiative a situation which infuriated Haig and brought him openly and definitively in confrontation with Kirkpatrick. With regard to the official approval hinted at by the ambassadress, other sources consulted point to William P Clark, President R Reagan's influential, though lone, national security adviser.

The impression that the agreement promoted by Belaúnde was failing also increased in Buenos Aires [in the evening of 2 May], in spite of the untimely announcement made by the Peruvian President. There was an enormous gap between that expression of optimism and the depression noticed above all among Argentine diplomatic staff. At 7 pm Costa Méndez entered the 'Liberator' Building, the Army's headquarters, and Galtieri and Lami Dozo made their own views known. The Foreign Secretary persisted with the Peruvian 'piece of paper' but nothing could be decided because, without notice and contrary to habit, Admiral Anaya had not been punctual on that day.

He arrived 45 minutes after the appointed time. He was pale as he entered, with his dignified bearing, and hardly had Costa Méndez hinted at Belaúnde's proposal than the Admiral put an end to it: 'The Navy withdraws from the negotiations. They have sunk the *Belgrano*.' In his right hand he held a telex of only two lines." [pp. 232–3]

"... from 29 April the Argentine fleet was divided into three task groups (GT): GT1, located near Cabo Tres Puntas, composed of *ARA Hércules, ARA Santísima Trinidad*, the aircraft-carrier and two destroyers; GT2, located to the north of the Gulf of San Jorge, composed of the *Drummond* and the corvettes *Granville* and *Guerrico* and GT3, near the Island de los Estados, with the cruiser *General Belgrano* and the destroyers *Piedrabuena* and *Bouchard*.

The naval chiefs imagined that the fleet would only undertake operations in minor combats, because it was not in a position of equality to go in search of the enemy's main naval force. Moreover, they maintained with debatable judgment, that a dispute with Chile in the Beagle zone had not to be neglected and they did not dismiss the possibility either of a bold move by the Pinochet Government.

For this reason—they affirm—they located GT3 so far south, led by the cruiser *Belgrano*, an old ship which had been re-equipped with six-inch guns for naval combat and land bombardment, five-inch guns for naval and anti-aircraft use, 40 mm machine-guns and Sea Cat missile batteries of short range (approximately 4,000 metres). In reality a supposed intervention by Chile, taking advantage of Argentine pre-occupation with the war against Great Britain, was also in the minds of military men and diplomats, but, to tell the truth, there are no indications that the Pinochet régime had thought of anything similar." [pp. 234–5]

"For some hours already Port Stanley had withstood the pressure of a bombardment by sea and air. In *Comodoro Rivadavia*, Lombardo received the message from the *Douglas* and immediately got in touch with the Governor of the Islands, General Menéndez. The latter made a report which impressed Lombardo: he affirmed the proposition that the British were trying to disembark at the very gates of the capital of the archipelago. In fact, the Commander of the South Atlantic Theatre of Operations was rather sceptical about believing in a premature and open attempt by the marines.

He was firmly convinced of the power and professionalism of the British and in this respect he differed from some military men, among whom was General Ramón Camps, who frivolously asserted that the British fleet 'was just scrap-iron'. He had always assumed, in his forward planning, that the British would not attempt a quick landing and still less in the islands' capital, where the main body of the Argentine Armed Forces was concentrated.

Before ordering the fleet to advance, he preferred to make sure and again got in touch with Menéndez, who replied unmoved: 'We are ready for the defence.' Faced with the evidence—the fleet was divided and was trying to make a landing. At 3.55 pm Lombardo sent a telex to the commander of the fleet, Rear Admiral Gualter Allara, stationed in the aircraft-carrier: 'Enemy anchored. You have freedom of action,' he transmitted to him.

15

From that moment the Argentine fleet's three task groups began to advance towards the north of Soledad Island, where the supposed British operation was taking shape." [pp. 235–6]

"The fleet's three groups were at midnight [on 1 May 1982] in the vicinity of the Exclusion Zone—they took a day to sail the 250 miles which separated it from Soledad Island—when Lombard warned Allara: 'There have been no air attacks on the Falkland Islands for 19 hours. I do not know the position of the aircraft-carrier. Enemy not anchored constitute a serious threat to the fleet.'

The ships which were advancing at full speed gradually slowed down. Allara then began to analyse the risks involved in an attack on the enemy in such a prospective situation." [p. 237]

"The commander of the fleet judged that, even at the risk of finding greater opposition than expected in the area, an operation was practicable if the aircraft could take-off from the aircraft-carrier with a full load: six bombs each and the petrol tanks showing 'full' on the instrument panel. For the aircraft to be able to take-off under these conditions, it was indispensable—in his judgment—for there to be a tail (or following) wind of at least 25 knots (50 kilometres) an hour and, at that time, the wind speed was hardly more than five knots (10 kilometres an hour). Allara passed his conclusions on to the South Atlantic Theatre of Operations and at about 1 am on the 2nd proceeded to order the fleet's withdrawal.

At that moment, intervention by the fleet in the conflict was virtually concluded. Later on there would be an unsuccessful operation with submarines and various propositions rejected, among which was one for a mass attack by the fleet and a number of merchant ships against the Royal Navy's task force.

The return to the security zone was slow and quiet. No one believed in the possibility of an enemy attack, much less while sailing outside the Exclusion Zone. The Commander of the South Atlantic Theatre of Operations, however, preferred to give maximum protection to his ships and, after mid-day, he informed GT3: "Withdraw from Luis to Miguel.' In ordinary language, it could well seem a meaningless order, but was nothing less than one of the codes used in wartime to prevent the enemy from capturing and understanding messages.

Lombardo had ordered the *Belgrano* and the destroyers to withdraw to rearward positions in less deep water—no more than 120 metres—to avoid the presence of nuclear submarines which cannot easily manoeuvre under these conditions." [p. 237]

B. ANNEX 10 *(DIALOGO COSTA MÉNDEZ–ARIAS STELLA (3 DE MAYO 1982)* (pp. 344–5)

Costa Méndez–Arias Stella Conversation (3 May 1982)

Costa Méndez—How are you?

Arias Stella—Minister: How do you feel this morning?

Costa Méndez—Full of pre-occupations and with a great disappointment yesterday, because we were all in the meeting of the Junta studying the paper—it was not easy that all should be convinced, but I think there was a great probability that this might be the case, as I had anticipated something on these lines to the President—it was really a discussion only of words, and in the middle of the meeting of the Military Junta there arrived news of the torpedoing, and this created a great deal of indignation in the Navy, in my judgment very justly so, because they say that this could not have been determined other than by the satellite. They therefore see behind this the hand of the United States.

In any case, even if this were not so, it is evident that Great Britain cannot be negotiating at the same time, compromising a gentleman and a President like Architect Belaúnde and initiating actions. Correct?

Arias Stella—The President has fully made the point, in relation to the Argentine reaction, there was no other way.

Costa Méndez—Above all, what disappoints me most is that we have spent the whole day talking and in reality speaking of very few words of difference, as you are aware.

Arias Stella—I want to tell you, in addition to reiterating my solidarity and my compliments, Minister, the news that this morning very early the Ambassador of England in Peru has transmitted to me.

We, as you know, have been—the President—in contact with the Secretariat of the American Department of State, but not directly with England. Therefore, this message which has been transmitted to us may be interesting for any subsequent evaluation you may make. He has told me as follows. First, he is very grateful for the intervention, the intention of Peru, and he believes that Peru can continue helping—that is what he said—.

In the second place, that is the official message of the Government to our Ministry of Foreign Affairs. The local Ambassador has told me—now this is my own affair, but it is not in the message that I have to transmit, which is only the first part—"I wish to tell you that in my view what England needs is more time in order to analyse this proposal at the corresponding levels." And the last thing that they *(sic)* told me "the door is not totally closed within the framework of what has been proposed."

Costa Méndez—You know, Minister, this is the first time we received anything direct from Great Britain.

Arias Stella—For us it is also the first time.

Costa Méndez—We had not received anything direct through any channel, the Haig thing was a special action of his.

Arias Stella—This is what has been transmitted to me, and they have not said transmit it to Argentina, but I am doing so, because it is my duty to let you know so that you may have the framework for the corresponding judgment.

Costa Méndez—Yes, this is important for us, I am very grateful, Minister.

Arias Stella—For anything at the opportune moment . . . I understand that now the feelings . . .

Costa Méndez—What I would like is that you should transmit to the President that what he spoke about with the President last night, that this morning President Galtieri told me about and what I had been speaking about with you, what we wished to emphasise are two things. First, we really are moved by the interest and dedication that the President and you all have put into this initiative and that we have been enormously mortified that this initiative, which could have been successful, has had to be interrupted by this news which the Admiral brought at the moment when the Junta was meeting in order to consider the subject.

Minister, many thanks, etc . . .

Arias Stella—Unless you judge necessary an effort on our part when the conditions are suitable. You may take it for granted that we shall not spare any effort to offer help in obtaining peace and justice for Argentina.

Costa Méndez—I am very grateful to you, I know it and I feel the fraternal spirit of Peru by my side.

Thank you very much, Minister. Thank you very much for your call.

APPENDIX 12

EVENTS SURROUNDING THE WEEKEND OF 1–2 MAY 1982 (FI/101)

Copies of letters exchanged between the Clerk to the Committee and General Alexander M Haig Jr

To General Alexander M Haig Jnr:

As you may know, the Foreign Affairs Committee of the House of Commons have since February of this year been examining future relations between the United Kingdom and the Republic of Argentina, and on 12 December will be publishing a Report on this subject, a copy of which will be sent to you.

As part of their terms of reference for this inquiry, the Committee decided to examine the prospects for a negotiated settlement with Argentina "in the light of previous failures to secure such a settlement". During public hearings earlier in the year, the Committee heard some evidence from Mr Francis Pym, Sir Nicholas Henderson and Sir Anthony Parsons on the alleged linkage beween the sinking of the Argentine cruiser *General Belgrano* on 2 May 1982 and the failure of President Belaunde Terry's efforts to secure a negotiated settlement between 1 and 6 May 1982. As a result of this evidence, and a number of media accounts of these events, the Committee decided to prepare a separate Report for the House on this issue, after further hearings and written testimony.

The Committee have now heard oral evidence from the present UK Defence Secretary (Mr Michael Heseltine), from the authors of *The Sinking of the Belgrano* (Mr Arthur Gavshon and Mr Desmond Rice), and from Mr Charles Wallace, the former British Ambassador in Lima. They will shortly be holding hearings with Admiral Lord Lewin (former Chief of the British Defence Staff) and Sir John Nott (former Defence Secretary).

The Committee are anxious to try to establish as accurately as possible the extent of British Government awareness at the time of the discussions between President Belaunde and yourself, and between President Belaunde and General Galtieri during the weekend of 1 and 2 May 1982, and the reasons for President Belaunde's apparent belief on the evening of Sunday 2 May that British as well as Argentine agreement to the seven-point peace plan was imminent.

The Committee have noted with interest your account of these events in your book, *Caveat*, and are aware of your comments on the BBC Television programme "Panorama" in April. They have also had reported to them some extracts from an on-the-record conversation which you had with Mr Arthur Gavshon in July this year. All this information has been most helpful in our attempt to piece together the events of the weekend, but in view of some continuing differences in the interpretation of these events by our witnesses, the Committee have instructed me to seek your assistance in filling out their account.

The Committee are particularly concerned to learn (i) how far your talks with President Belaunde had gone in reaching a formula acceptable to both the British and Argentine sides by the afternoon of Sunday 2 May; (ii) which parts of the seven-point plan remained, in your view, to be resolved at this time; (iii) what indications you had, if any, that the British Government was actively or urgently considering the proposals on Sunday 2 May; (iv) whether you felt yourself in a position by this time to advise President Belaunde that British acceptance of the proposals was likely; and (v) whether you shared President Belaunde's belief that the announcement of a ceasefire was a serious possibility on the evening of Sunday 2 May.

The Committee would also be interested in any comments you may have on Mr Pym's statement to them that he had had no contact with you during the weekend until his meeting with you on the morning of Sunday 2 May; on Mr Pym's statement that "none of the proposals and none of the headings" discussed at that meeting "had been developed to a sufficient extent to be able to say whether they were acceptable or not"; and on Mr Charles Wallace's statement to us that he had no knowledge of the peace proposals until shortly after 6 pm (Lima time) on Sunday 2 May.

The Committee would welcome a short note from you commenting on these points and any others you may consider relevant. It may be, of course, that you have already prepared a further account of these events which would cast light on these points.

The Committee greatly appreciate your enormous efforts at the time to secure a peaceful settlement of the dispute, and apologise for troubling you with these matters so long after the events concerned. I am sure you understand, however, that in view of the serious allegations which have been made about the British Government's decision to authorise the sinking of the *Belgrano* on 2 May 1982 it is incumbent on them to clarify the events of the weekend as far as is possible before reaching any conclusions about the Government's conduct.

The Committee would be grateful for an early reply. If you would prefer to testify in person before the Committee, I would be happy to discuss possible arrangements with you. Such a meeting would, however, need to be held early in the New Year.

23 *November* 1984

To the Clerk of the Committee:

This is in reponse to your letter of 23 November 1984 concerning events surrounding the weekend of 1–2 May 1982 which I regret apparently continue to bubble and boil in your country.

Needless to say, I was not privy to the internal deliberations associated with the sinking of the *General Belgrano* on May 2 and do not feel it would be appropriate to interpose myself into matters about which I do not have first-hand knowledge nor would it be appropriate for me to appear before your committee with respect to this issue.

Allow me, however, to make the following general observations:

— At no time during that difficult weekend of 1–2 May 1982 did I believe we were on the verge of a settlement. This subjective attitude on my part was the result of weeks of tedious negotiations with the then Government of Argentina involving a comparable political framework for settlement. It did not, however, dampen my enthusiasm for exploring any possible political solution which would not condone rule of force.

— At no time during that weekend, or during preceding or subsequent events, did I have reason to question the motives of the officials of Her Majesty's Government with respect to the *Belgrano* nor do I have any basis for challenging the statements made by responsible representatives of the Government at that time.

I regret that I cannot be more helpful to you in your deliberations.

Alexander M Haig Jnr

14 *February* 1985

APPENDIX 13

EVENTS OF THE WEEKEND OF 1 AND 2 MAY 1982 (FI/103)

Copies of an Exchange of Correspondence between the Clerk to the Committee and the office of the Attorney-General

To the Rt Hon Sir Michael Havers, QC, MP:

The Foreign Affairs Committee is now approaching the end of its inquiry into the events of the weekend of 1 and 2 May 1982. At a recent meeting, the Committee considered what further information should be sought from Ministers and others before the Committee considers its Chairman's draft Report. As a result of the decisions taken at the meeting I am instructed to ask you to respond to the following questions:

(i) Were you present at the meeting of the War Cabinet at Chequers on 2 May 1982? If not, by whom were you represented?

(ii) Was an official of your Department a member of the so-called "Mandarins Committee" which provided official advice to the War Cabinet during the South Atlantic conflict?

I am instructed to request that a reply to these questions should reach me not later than Wednesday 17 April 1985.

1 *April* 1985

To the Clerk to the Committee:

The Attorney-General has asked me to reply on his behalf to your letter of 1 April 1985.

The answers to questions which the Committee has put to him are as follows:

(i) Yes

(ii) No

H Steel, CMG, OBE
Legal Secretary
Law Officers' Department

2 *April* 1985

APPENDIX 14

EVENTS OF THE WEEKEND OF 1 AND 2 MAY 1982 (FI/104)

Copies of an Exchange of Letters between the Clerk to the Committee and the Rt Hon Sir John Nott, KCB

To the Rt Hon Sir John Nott, KCB

The Foreign Affairs Committee is now approaching the end of its inquiry into the events of the weekend of 1 and 2 May 1982. At a recent meeting, the Committee considered what further information should be sought from Ministers and others before the Committee considers its Chairman's draft Report. As a result of the decisions taken at the meeting I am instructed to invite you to respond to the following question:

> The Committee understand from your earlier evidence to them that you first heard of the discovery of the Argentine cruiser *General Belgrano* at the meeting of the War Cabinet at Chequers shortly after midday on Sunday 2 May 1982, and were then told that it had been sighted some time earlier. When you made your statement about the attack on the cruiser in the House on 4 May 1982, however, you stated that the cruiser was "detected" at 8.00 pm on 2 May, thus implying that the detection and the attack on the cruiser took place within a short space of time on the evening of 2 May. The Committee appreciate your acknowledgement during the meeting on 5 December last of inaccuracies in your original description of the bearing of the *Belgrano* when she was attacked. It would now be grateful if you could explain the reasons why your statement on 4 May did not reflect the fact that you had been informed of the cruiser's detection some hours earlier on 2 May 1982.

I am extremely sorry to have to trouble you with this further question.

I would be most grateful if you could let me have a reply no later than Wednesday 17 April 1985.

1 *April* 1985

To the Clerk to the Committee:

Thank you for your letter of 1 April.

Some three years have past since the event in question, and I do not recall why I should have used the word "detected".

I am sorry that I cannot be more helpful.

John Nott
16 *April* 1985

APPENDIX 15

COPIES OF AN EXCHANGE OF CORRESPONDENCE BETWEEN THE CHAIRMAN OF THE COMMITTEE AND THE PRIME MINISTER (FI/105)

To the Prime Minister:

As you will know, the Foreign Affairs Committee is now approaching the end of its inquiry into the events of the weekend of 1 and 2 May 1982. At a meeting on 20 March, the Committee discussed what further information should be sought from Ministers and others before considering a draft Report. As a result of the decisions taken at that meeting, I have been instructed by the Committee to ask you at what meetings of the full Cabinet held between 2 April and 2 May 1982 the issue of the Falklands was discussed. It would be most helpful if you or your office could let me have a reply, if possible before the Easter recess.

Sir Anthony Kershaw, MC, MP
26 *March* 1985

To the Chairman of the Committee:

Thank you for your letter of 26 March about Cabinet consideration of the Falklands crisis during the period between 2 April and 2 May 1982. Falkland issues were disussed at all eight meetings of the Cabinet which took place during this period.

The Rt Hon Margaret Thatcher, MP
16 *April* 1985

APPENDIX 16

EVENTS OF THE WEEKEND OF 1 AND 2 MAY 1982 (FI/106)

Copies of an Exchange of Correspondence between the Clerk to the Committee and the Foreign and Commonwealth Office and of a Memorandum

To the Foreign and Commonwealth Office:

As you know, the Foreign Affairs Committee is approaching the end of its inquiry into the events of the weekend of 1 and 2 May 1982, and a draft Report is almost complete.

At a meeting on 20 March, the Committee discussed what further information should be sought from Ministers and others before considering the Chairman's draft Report. As a result of the decisions taken at that meeting, I have been instructed to ask the Foreign and Commonwealth Office to submit the following documents to the Committee as formal evidence:

(i) copies of all Foreign and Commonwealth Office documents of which copies were included in the compilation of documents prepared in the Ministry of Defence and colloquially known as the "Crown Jewels";

(ii) to the extent that they are not included in (i) above, copies of all messages received by the Foreign and Commonwealth Office from HM Ambassadors

in Lima and Washington DC during the 24 hours (local time in each case) of 2 May 1982; and

(iii) if not included in (i) above, a copy of any memorandum, letter or minute, dated 1 May 1982, in which the then Foreign and Commonwealth Secretary "raised the need for a further warning to the Argentine Government", as referred to in paragraph 7 of the Annex of the Prime Minister's letter of 19 September 1984 to Mr George Foulkes, MP.

In addition, the Committee has instructed me to ask (iv) for what time the Permanent Under-Secretary of State, or other senior Foreign and Commonwealth Office official, was asked to attend the meeting of the Overseas and Defence Committee (South Atlantic) at Chequers on Sunday 2 May 1982.

The Committee would prefer this material to be submitted as unclassified evidence, but if this is not possible it should be submitted on a classified basis with an explanation of the reasons.

I would be grateful if the evidence requested could reach me by Wednesday 17 April 1985.

Clerk to the Committee
1 *April* 1985

To the Clerk to the Committee:

Thank you for your letter of 1 April.

The Foreign Secretary does not feel able to provide the Committee with copies of FCO documents included in the compilation known as the "Crown Jewels", and/or extensively quoted in the summary part of that compilation. The compilation covered all the messages from our Ambassadors in Lima and Washington on 2 May 1982 that are relevant to the Committee's enquiry. It was clearly understood that the meeting in the Ministry of Defence on 6 March at which the Members of the Committee were able to read these documents represented the sole access which the Committee would be allowed to them.

Sir Geoffrey Howe believes, however, that the Committee might find it helpful to have the enclosed unclassified Memorandum reiterating the times at which the relevant telegrams were sent from Lima and Washington on 2 May 1982, and the essential points of the messages they conveyed.

The only minute of 1 May 1982 by the then Foreign Secretary which meets the description in your point (iii) was also amount the documents available to the Committee in the Ministry of Defence on 6 March.

Members of the Overseas and Defence Committee (South Atlantic) and Sir Antony Acland, were asked to attend a meeting of that Committee at Chequers at 12 noon on Sunday 2 May 1982. As the Prime Minister said in paragraph 10 of the enclosure in her letter of 19 September 1984 to Mr George Foulkes, MP, the Committee decided at 1 pm to change the Rules of Engagement.

FCO
19 *April* 1985

EVENTS OF 2 MAY 1982: TELEGRAMS FROM HER MAJESTY'S EMBASSY, LIMA AND HER MAJESTY'S EMBASSY, WASHINGTON

Memorandum by the Foreign and Commonwealth Office

I. Lima

(a) At 1830 (Peruvian time) on 2 May, the Peruvian Foreign Minister called in Her Majesty's Ambassador. He told him that after their conversation the previous day—at which Dr Arias Stella gave no indication to Mr Wallace that the Peruvians had formulated specific proposals, or conveyed them to either the Americans or the Argentines—President Belaunde had decided to make a further attempt to bring about the withdrawal of the Argentine troops from the Falklands. A seven-point formulation had eventually been worked out with Mr Haig. Mr Wallace told the Committee about this conversation, and his reporting of it, when he gave evidence to them on 14 November 1984. His telegram reporting it was sent at 2003 hours Peruvian time, ie 0103 hours, 3 May, GMT.

(b) As Mr Wallace also explained in detail to the Committee on 14 November, he heard on his car radio, on his way to his appointment with Dr Arias Stella, part of the broadcast of the press conference at which the Peruvian President announced at 1800 local time on 2 May that a seven-point plan had been drawn up which the Argentines were considering. His staff heard the entire broadcast, and the Embassy despatched the telegram reporting the press conference at 2044 local time on 2 May ie 0144 GMT on 3 May.

II. Washington

(a) Mr Francis Pym had conversations with Mr Haig in Washington on 2 May 1982, in the morning (Washington time). As Mr Pym told the Committee on 11 June 1984, the subjects discussed had included "the outline of a possible future proposal"; he added that Mr Haig had himself said on more than one occasion in the course of 2 May that these proposals needed further work and clarification. Lady Young confirmed to the Committee on 20 June 1984 the timing of the despatch of the telegram from Washington reporting the outline of the Peruvian proposals, ie 1715 Washington time (2215 GMT).

(b) At 1730 local time (2230 GMT) Her Majesty's Ambassador in Washington sent a further telegram. Mr Cranley Onslow told the House of Commons on 13 May that Her Majesty's Ambassador reported in this that he had reminded Mr Haig that Mr Pym had not yet consulted London about the proposals. Sir Nicholas Henderson said in his article in the *Economist* on 12 November 1983 that Mr Pym asked him to put it to Mr Haig that "what had been put forward so far seemed only vague and indeterminate and provided no basis on which to do business".

III. The *Belgrano* was sunk at 1900 GMT on 2 May 1982.

Foreign and Commonwealth Office
April 1985

APPENDIX 17

EVENTS OF THE WEEKEND OF 1 AND 2 MAY 1982 (FI/107)

Copies of an Exchange of Correspondence between the Clerk to the Committee and the Ministry of Defence and of a Memorandum

To the Ministry of Defence:

As you know, the Foreign Affairs Committtee is approaching the end of its inquiry into the events of the weekend of 1 and 2 May 1982, and a draft Report is almost complete.

At a meeting on 20 March, the Committee discussed what further information should be sought from Ministers and others before considering the Chairman's draft Report. As a result of the decisions taken at that meeting, I have been instructed to ask the Secretary of State for Defence for further formal evidence, as follows:

(i) a chart of the South Atlantic, suitable for reproduction in the Committee's Report, showing (a) the 200 mile Total Exclusion Zone; (b) the position of the main elements of the Task Force on 2 May 1982; (c) the Argentine 12-mile limit; (d) the course of the *Belgrano* on 1 and 2 May 1982; (e) the course of the *25 de Mayo* on 1 and 2 May 1982; (f) the assessed combat radius of

in Lima and Washington DC during the 24 hours (local time in each case) of 2 May 1982; and

(iii) if not included in (i) above, a copy of any memorandum, letter or minute, dated 1 May 1982, in which the then Foreign and Commonwealth Secretary "raised the need for a further warning to the Argentine Government", as referred to in paragraph 7 of the Annex of the Prime Minister's letter of 19 September 1984 to Mr George Foulkes, MP.

In addition, the Committee has instructed me to ask (iv) for what time the Permanent Under-Secretary of State, or other senior Foreign and Commonwealth Office official, was asked to attend the meeting of the Overseas and Defence Committee (South Atlantic) at Chequers on Sunday 2 May 1982.

The Committee would prefer this material to be submitted as unclassified evidence, but if this is not possible it should be submitted on a classified basis with an explanation of the reasons.

I would be grateful if the evidence requested could reach me by Wednesday 17 April 1985.

Clerk to the Committee
1 *April* 1985

To the Clerk to the Committee:

Thank you for your letter of 1 April.

The Foreign Secretary does not feel able to provide the Committee with copies of FCO documents included in the compilation known as the "Crown Jewels", and/or extensively quoted in the summary part of that compilation. The compilation covered all the messages from our Ambassadors in Lima and Washington on 2 May 1982 that are relevant to the Committee's enquiry. It was clearly understood that the meeting in the Ministry of Defence on 6 March at which the Members of the Committee were able to read these documents represented the sole access which the Committee would be allowed to them.

Sir Geoffrey Howe believes, however, that the Committee might find it helpful to have the enclosed unclassified Memorandum reiterating the times at which the relevant telegrams were sent from Lima and Washington on 2 May 1982, and the essential points of the messages they conveyed.

The only minute of 1 May 1982 by the then Foreign Secretary which meets the description in your point (iii) was also amount the documents available to the Committee in the Ministry of Defence on 6 March.

Members of the Overseas and Defence Committee (South Atlantic) and Sir Antony Acland, were asked to attend a meeting of that Committee at Chequers at 12 noon on Sunday 2 May 1982. As the Prime Minister said in paragraph 10 of the enclosure in her letter of 19 September 1984 to Mr George Foulkes, MP, the Committee decided at 1 pm to change the Rules of Engagement.

FCO
19 *April* 1985

EVENTS OF 2 MAY 1982: TELEGRAMS FROM HER MAJESTY'S EMBASSY, LIMA AND HER MAJESTY'S EMBASSY, WASHINGTON

Memorandum by the Foreign and Commonwealth Office

I. Lima

(a) At 1830 (Peruvian time) on 2 May, the Peruvian Foreign Minister called in Her Majesty's Ambassador. He told him that after their conversation the previous day—at which Dr Arias Stella gave no indication to Mr Wallace that the Peruvians had formulated specific proposals, or conveyed them to either the Americans or the Argentines—President Belaunde had decided to make a further attempt to bring about the withdrawal of the Argentine troops from the Falklands. A seven-point formulation had eventually been worked out with Mr Haig. Mr Wallace told the Committee about this conversation, and his reporting of it, when he gave evidence to them on 14 November 1984. His telegram reporting it was sent at 2003 hours Peruvian time, ie 0103 hours, 3 May, GMT.

(b) As Mr Wallace also explained in detail to the Committee on 14 November, he heard on his car radio, on his way to his appointment with Dr Arias Stella, part of the broadcast of the press conference at which the Peruvian President announced at 1800 local time on 2 May that a seven-point plan had been drawn up which the Argentines were considering. His staff heard the entire broadcast, and the Embassy despatched the telegram reporting the press conference at 2044 local time on 2 May ie 0144 GMT on 3 May.

II. Washington

(a) Mr Francis Pym had conversations with Mr Haig in Washington on 2 May 1982, in the morning (Washington time). As Mr Pym told the Committee on 11 June 1984, the subjects discussed had included "the outline of a possible future proposal"; he added that Mr Haig had himself said on more than one occasion in the course of 2 May that these proposals needed further work and clarification. Lady Young confirmed to the Committee on 20 June 1984 the timing of the despatch of the telegram from Washington reporting the outline of the Peruvian proposals, ie 1715 Washington time (2215 GMT).

(b) At 1730 local time (2230 GMT) Her Majesty's Ambassador in Washington sent a further telegram. Mr Cranley Onslow told the House of Commons on 13 May that Her Majesty's Ambassador reported in this that he had reminded Mr Haig that Mr Pym had not yet consulted London about the proposals. Sir Nicholas Henderson said in his article in the *Economist* on 12 November 1983 that Mr Pym asked him to put it to Mr Haig that "what had been put forward so far seemed only vague and indeterminate and provided no basis on which to do business".

III. The *Belgrano* was sunk at 1900 GMT on 2 May 1982.

Foreign and Commonwealth Office
April 1985

APPENDIX 17

EVENTS OF THE WEEKEND OF 1 AND 2 MAY 1982 (FI/107)

Copies of an Exchange of Correspondence between the Clerk to the Committee and the Ministry of Defence and of a Memorandum

To the Ministry of Defence:

As you know, the Foreign Affairs Committtee is approaching the end of its inquiry into the events of the weekend of 1 and 2 May 1982, and a draft Report is almost complete.

At a meeting on 20 March, the Committee discussed what further information should be sought from Ministers and others before considering the Chairman's draft Report. As a result of the decisions taken at that meeting, I have been instructed to ask the Secretary of State for Defence for further formal evidence, as follows:

(i) a chart of the South Atlantic, suitable for reproduction in the Committee's Report, showing (a) the 200 mile Total Exclusion Zone; (b) the position of the main elements of the Task Force on 2 May 1982; (c) the Argentine 12-mile limit; (d) the course of the *Belgrano* on 1 and 2 May 1982; (e) the course of the *25 de Mayo* on 1 and 2 May 1982; (f) the assessed combat radius of

Argentine land-based aircraft; and (g) the location of Argentine air attacks on the Task Force on 1 May 1982;

(ii) a note on the nature of the Argentine air and naval attacks on the British fleet on 1 May 1982;

(iii) A note explaining the alleged entry in the diary of Lt. Sethia for 25 April 1982 (reproduced in the Granada Television "World in Action" programme on 3 December 1984) that "We had a reassuring signal saying it looks as though the diplomatic pontification is now over and military intervention now seems inevitable". The Committee wishes to know by whom, and to whom, the signal referred to was sent, and requests the submission of a copy of the signal, classified if necessary;

(iv) copies of all the signals passing between Northwood and *HMS Conqueror* on 1, 2 and 3 May 1982, classified if necessary.

The Committee would prefer as much of this material as possible to be submitted as unclassified evidence, but if this is not possible it should be submitted on a classified basis with an explanation of the reasons.

I would be grateful if the evidence requested could reach me by Wednesday 17 April 1985.

Clerk to the Committee

1 *April* 1985

To the Clerk of the Committee

Thank you for your letter of 1 April.

I attach a Memorandum answering the Committee's questions. On the fourth question, the Defence Secretary is not prepared to provide the Committee with copies of signals passing between Northwood and *HMS Conqueror*. Those relating to the sinking of the *Belgrano* were summarised in the compilation known as the "Crown Jewels" which the Committee read at the Ministry of Defence. It was clearly understood that the meetings in the Ministry of Defence represented the sole access which the Committee would have to the documents. We have, instead, included in the attached Memorandum an unclassified summary of the signals, which Mr Heseltine believes will be helpful to the Committee.

Ministry of Defence

23 *April* 1985

HOUSE OF COMMONS FOREIGN AFFAIRS COMMITTEE
EVENTS OF THE WEEKEND OF 1 AND 2 MAY 1982

Memorandum by the Ministry of Defence

I. Chart of the South Atlantic

1. A chart of the South Atlantic is attached[1], showing the 200 mile Total Exclusion Zone, the position of the main body of the Task Force on 2 May, the 12 nautical miles limit referred to in the UK's warning to the Argentine Government of 7 May 1982 (Argentina claims territorial seas of 200 nautical miles), the course of the *Belgrano* on 1 and 2 May 1982, and the assessed combat radius of Argentine land-based aircraft. It also shows the location of Argentine air attacks on 1 May on the Task Group led by *HMS Glamorgan*, but not of the other attacks listed in paragraphs 2–6 below since the picture is very complex and indeed is still the subject of analysis. The chart does not, however, show the course of the *25 de Mayo* on 1 and 2 May 1982 since we do not have this information, although she may have formed part of the group of ships detected by a Sea Harrier from *HMS Invincible* on 2 May at the position shown on the chart.

[1]See page 185.

II. Argentine Air and Naval attacks on the British Fleet on 1 May 1982

2. On 1 May 1982 the British Task Force came under attack for the first time from the Argentine Air Force, operating from the mainland. The main body of the Task Force was deployed to the north-east of the Falkland Islands, within the assessed range of shore-based aircraft, while shortly after daybreak two groups were detached towards East Falkland. One of these, consisting of *HMS Glamorgan*, *HMS Arrow* and *HMS Alacrity*, took up position to provide Naval Gunfire Support (NGS) by bombarding Port Stanley airfield; the other, of *HMS Brilliant*, *HMS Yarmouth* and (later) 3 RN Sea King helicopters, were tasked with anti-submarine operations.

3. At about 1130 GMT a Combat Air Patrol (CAP) of 2 Sea Harriers investigated a radar contact to the west and were fired on by air-to-air missiles from Argentine Mirage jets. The Mirages withdrew without hitting our aircraft. During the morning Sea Harrier CAPs were directed towards several other aircraft contacts which turned back before contact could be established. Around noon local time 2 Sea Harriers investigated aircraft activity which proved to be Turbo-Mentors from the airfield at Pebble Island. They were themselves attacked unsuccessfully shortly afterwards by a pair of Argentine Mirages using air-to-air missiles.

4. Analysis after the campaign suggests that, by mid-afternoon, a force of some 40 Argentine aircraft had been launched from the mainland of which about half reached the Islands. At roughly this time, the Task Group led by *HMS Glamorgan* came within gunfire range of Port Stanley airfield. A number of contacts were investigated and a CAP from *HMS Invincible* was attacked by 2 Mirages, one of which was shot down by a Sidewinder air-to-air missile fired from a Sea Harrier. The other Argentine aircraft was damaged and was later brought down in error near Port Stanley by Argentine anti-aircraft guns.

5. With the air battle at its height, 3 Argentine Dagger aircraft, originally thought to be *en route* for the main Task Force, turned to attack the *Glamorgan* Task Group using 1,000 lb bombs and 30 mm cannon. *HMS Alacrity* was narrowly missed by bombs and suffered minor damage while *HMS Arrow* was hit by cannon shells which caused one casualty. Two escorting Daggers attacked a pair of Sea Harriers from *HMS Hermes* with heat-seeking missiles but were unsuccessful. During the naval bombardment of Stanley airfield a Lynx helicopter from *HMS Alacrity* exchanged machine-gun fire with an Argentine Coast Guard patrol boat off Cape Pembroke sustaining damage; and the Task Group came under fire from shore-based artillery. At about 1940 GMT the naval bombardment ceased and our ships withdrew, returning later the same night under cover of darkness.

6. In addition to Mirages and Daggers, the Argentine air deployments on 1 May also included high-level Canberra bombers, which were reported to be in a position to attack the *HMS Brilliant* Task Group. At 2040 GMT, about five minutes after sunset, an Argentine Canberra was shot down by a CAP launched from *HMS Hermes*.

III. Quote from Lt Sethia's Diary

7. The Ministry of Defence has been unable to identify a signal containing the message alleged in Lt Sethia's diary, although we cannot categorically state that such a message was not sent since most of the signals between the Headquarters at Northwood and the submarines of Task Force 324 were destroyed some time ago in accordance with standing instructions. The comment about "diplomatic pontification" reported by Lt Sethia did not represent HMG's policy towards a negotiated settlement.

IV. Signals between Northwood and HMS Conqueror

8. The following is a summary of the signals exchanged between Northwood and *HMS Conqueror* on 1, 2 and 3 May 1982 relating to the sinking of the *Belgrano*. (All times London time.)

1 May

1.00 am *HMS Conqueror* instructed to intercept and attack the *Belgrano* Group [if group penetrates the TEZ].

3.00 pm *HMS Conqueror* reports sighting of *Belgrano* Group and current position 54.07S 64.24W, course 125°, speed 8 knots.

2 May

5.00 am *HMS Conqueror* reports *Belgrano* Group at 55.20S 60.14W, course 90°, speed 13 knots.

10.15 am Northwood instructs *Conqueror* that *Belgrano* is not to be attacked until allowed by ROEs.

1.30 pm Northwood signals change in ROEs agreed by War Cabinet.

3.00 pm *HMS Conqueror* reports *Belgrano* Group at 55.16S 60.18W on course of 270°, speed 14 knots, having reversed course at 0805Z in position 55.20S, 58.22W and increased speed.

5.30 pm *HMS Conqueror* understands ROEs and apprises Northwood of intention to attack.

8.30 pm *HMS Conqueror* reports *Belgrano* Group at 55.27S. 61.25W on a course of 280° and speed 11 knots at 1856Z, *Belgrano* successfully attacked with two hits from Mk 8 torpedoes.

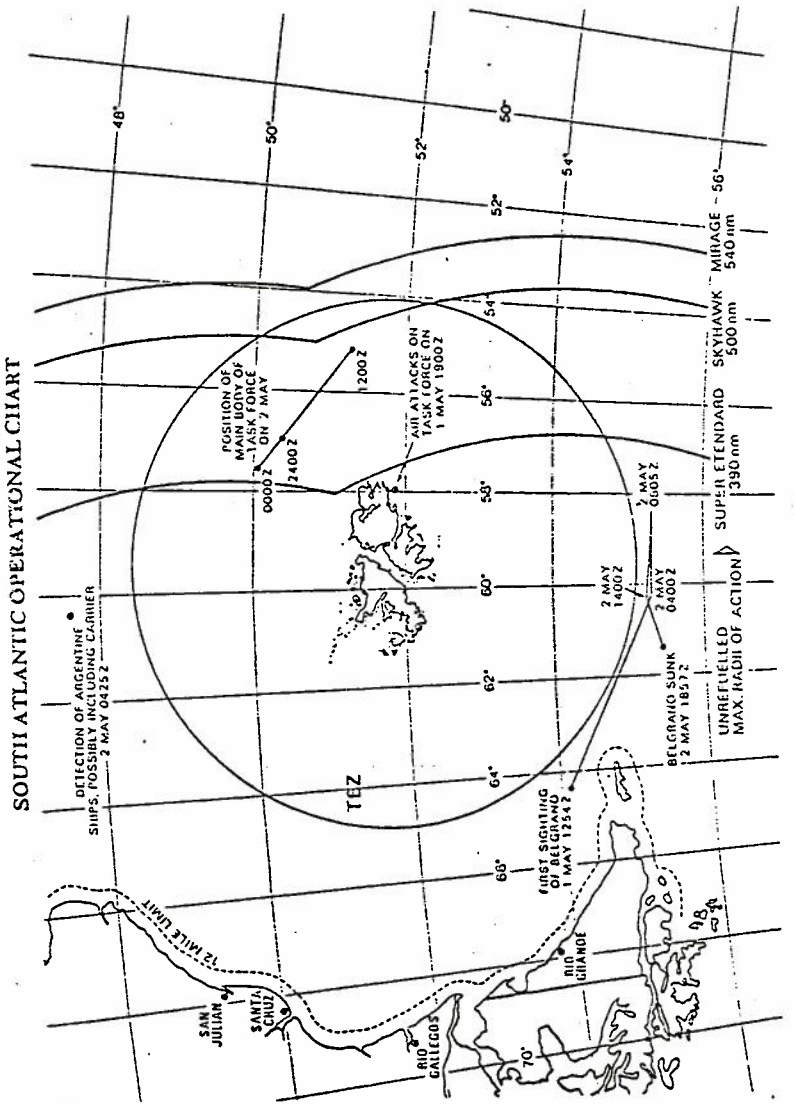
3 May

7.00 am *HMS Conqueror* reports position and further details of attack on *Belgrano*.

During the period, *HMS Conqueror* sent one other operational signal unrelated to the attack on the *Belgrano* and Northwood sent more than 30 operational signals to the submarine Task Force in the South Atlantic.

Ministry of Defence

April 1985



APPENDIX 18

PAPERS SUBMITTED TO THE COMMITTEE BY MR TAM DALYELL MP (FI/49)

Copies of the "Legge Minute" and of a letter intended to be sent to Mr Dalyell by the Ministry of Defence

HOUSE OF COMMONS FOREIGN AFFAIRS COMMITTEE: SOUTH ATLANTIC ROE

1. Following evidence from Mr Francis Pym on the sinking of the *General Belgrano*, the Foreign Affairs Committee asked Lady Young to provide a note listing the changes made to the Rules of Engagement during *Operation Corporate*. I attach copies of the relevant extracts from the transcripts of the evidence and the note from the Clerk to the Committee.

2. We have discussed the form of our response with the Defence Commitments Staff, DS5 and DNW who had particular responsibility for ROEs during *Operation Corporate*. We have also borne in mind the statements made to date by Ministers on the subject of the *Belgrano*. Our advice is that we should *not* provide the Committee with a note listing all the changes. There are a number of reasons for this. Firstly the ROE themselves are classified , and are drawn from the Fleet Operating and Tactical Instructions which is a classified document. The Committee have indicated that they would prefer the note to be unclassified. Secondly some of the ROE are still in force for our Falklands garrison *(illegible)* undermining their effectiveness if they were published and debated openly by the FAC. Thirdly the production of a full list of all changes would be an extremely time consuming exercise, not only because of the difficulty of assembling the information from departmental records, but also because the ROE would have to be paraphrased at some length since their format would be almost incomprehensible to the layman. In addition a full list of changes would provide more information than Ministers have been prepared to reveal so far about the *Belgrano* affair. For instance, the list of changes in the period 20 April–7 May would show that the engagement of the Argentine aircraft carrier *25 De Mayo* outside the Total Exclusion Zone was permitted from 30 April, and that the change on 2 May was not restricted to *Belgrano* but included all Argentine warships over a large area. It would also reveal that whilst the public warnings and ROE changes for the MEZ and TEZ were simultaneous, there was a delay until 7 May before the appropriate warning was issued for the 2 May change.

3. I therefore recommend that we should avoid these difficulties by providing the Committee with a more general narrative, explaining broadly when changes were made to ROE, but emphasising that changes were a continual and routine process, thus confirming the thrust of Mr Pym's evidence. I attach a draft on these lines. Since it does not actually specify any ROEs it would pose no problems from a security point of view. It is consistent with previous public statements by Ministers and others, including Admiral Woodward, about the change of ROE which led to the sinking of the *Belgrano*. The draft deliberately avoids any reference to the underlying system of ROEs or the mechanism for their approval, since neither aspect was touched on by Mr Spearing.

4. Lady Young will be submitting a number of notes to the Committee prior to her departure for Brazil on Wednesday 11 July. If the Minister (AF) is content to clear the attached draft by that stage then Lady Young will submit it together with the other notes. If clearence by Tuesday evening 10 July is not possible it will be necessary for MOD to submit the note direct to the FAC; you will see that the Clerk to the Committee has in any case asked for receipt of material by 13 July. The FCO are quite content for MOD to submit direct if necessary.

J M Legge
Head of DS11
MB9326 3276MB

Mr Tam Dalyell, MP, House of Commons

Draft Letter to Mr Tam Dalyell, MP

Thank you for your letter of 1 May about the sinking of the *General Belgrano*. As you know the Prime Minister has already written to Denzil Davies setting out the background to the sinking of the *Belgrano* and the reasons why that decision was taken. Perhaps I could reply to your more detailed questions about the events as you have set them out.

1. As the Prime Minister has pointed out, *HMS Conqueror* did not detect the *General Belgrano* on its sonar on 30 April 1982; it made contact with an accompanying oiler auxiliary.

2. and 3. Again as the Prime Minister has already said, the first visual contact with *Belgrano* was at 2 pm London time on 1 May. At the time *Belgrano* was conducting a RAS with the oiler. The position at 3 pm London time was 54.07S 064.24W—Course 125, Speed 8 knots.

4. There is no continuous log of the *Belgrano's* movements but its position is known at certain times:

London time (2 May)	*Position*	*Course*	*Speed (knots)*
5am	55.20S 060.14W	090	13
9am	55.20S 057.22W	reversed course	
3pm	55.16S 060.18W	270	14
8pm	55.27S 061.25W	280	11

5. 11 knots.

6. This was an operational decision taken by the CO of *HMS Conqueror*. He chose the Mk 8 torpedo because he considered it to have a better chance of penetrating the cruiser's armour and anti-torpedo bulges. The Mk 8 is an impact weapon. Tigerfish has both impact and proximity fuses.

7. No order was sent from Northwood to sink the *Belgrano*. The change in the Rules of Engagement agreed by Ministers was signalled by Northwood at 1.30 pm London time on 2 May. The message was first received by *HMS Conqueror* at 3 pm London time but because the transmission was garbled it was not decoded by the submarine until 5 pm. The only messages sent by *HMS Conqueror* were at 3 pm London time reporting the position of the *Belgrano* at 9 am and 3 pm and at 5 pm saying that it was about to attack the *Belgrano*. As you will appreciate from this outline communications with a nuclear submarine, submerged and in contact with the enemy on the other side of the world are extremely difficult. *HMS Conqueror* was only in contact with the UK for very short periods and at extended intervals.

8. *HMS Splendid* did not detect the Argentine CVA.

9. I am afraid that it is not possible for me to answer this question since it deals with intelligence matters.

I would also emphasise a crucial point made by the Prime Minister. The primary responsibility of the Government was to protect the Task Force. The exact position and course of the *Belgrano* at any moment were irrelevant to the decision to alter the Rules of Engagement. Ships by the very nature can quickly change their course and speed and throughout 2 May *Belgrano*, in conjunction with other units of the Argentine fleet, posed a major threat to the Task Force which it would have been irresponsible for Ministers to ignore.

APPENDIX 19

ATTACK ON ARGENTINE AIRCRAFT CARRIER (FI/110)

Unofficial version of a letter from the then Secretary of State for Foreign and Commonwealth Affairs, the Rt Hon Francis Pym, to the Prime Minister (as reproduced in the Spring 1985 Edition of *Granta*[16]).

"1. Following our decision . . . yesterday to authorise an attack without warning on the Argentine aircraft carrier outside our exclusion zone, I have been giving a further thought to the line we should take in public after the event.

"2. After discussion with the Attorney General about the way in which our action would have to be publicly justified and its legality defended, I believe our position would be immeasurably strengthened if we had given a warning to the Argentine government, requiring the aircraft carrier to stay within the narrow zone we discussed yesterday, or within territorial waters south of about 41 degrees South.

"3. I attach a draft of a possible warning message which we could ask the Swiss to convey urgently to the Argentine government. This in no way alters the substance of the decision we took yesterday. But I believe it would greatly strengthen our hand in dealing with criticism at home and abroad once an attack on the carrier had been carried out."

1 *May* 1982

APPENDIX 20

EVENTS OF THE WEEKEND OF 1 AND 2 MAY 1982 (FI/108)

Copies of an exchange of correspondence between the Clerk to the Committee and Admiral of the Fleet Lord Lewin

To Admiral of the Fleet Lord Lewin

The Foreign Affairs Committee is now approaching the end of its inquiry into the events of the weekend of 1 and 2 May 1982. At a recent meeting, the Committee considered what further information should be sought from Ministers and others before the Committee considers its Chairman's draft Report. As a result of the decisions taken at the meeting I am instructed to invite you to respond to the following questions:—

(i) Did you at any time consider, or were you asked to assess, the impact on Argentine naval opinion of the end of US neutrality? What impact would the prospect of US intelligence and satellite information probably have had on them? Could this have been at least as big a factor in the keeping of Argentine naval forces within the 12-mile limit as the sinking of the *Belgrano* and the later public warning by the United Kingdom on 7 May?

(ii) In conveying the signal containing the War Cabinet decision to change the Rules of Engagement on 2 May 1982 to *HMS Conqueror*, was it left to the discretion of the submarine Commander as to whether he should engage the *General Belgrano* or not?

I am sorry to trouble you with these further questions. The Committee would greatly appreciate a reply by Wednesday 17 April.

1 *April* 1985

[16] Article entitled "Revelations" by Peter Greig.

To the Clerk to the Committee

Thank you for your letter of 1 April with the two supplementary questions. Answers follow:—

1. US neutrality. No, the effect the US "tilt" on Argentine *naval* opinion was not assessed. I think we assumed that it would have a discouraging effect on the Junta as a whole. The Argentines would probably have been more concerned about possible material support than intelligence. My own opinion is that the Argentine Navy's withdrawal to within the 12-mile limit was due solely to respect for the capability of the SSNs and the wish not to lose any more ships.

2. A Commanding Officer always has discretion concerning the safety of his own ship, but once the Rules of Engagement permitted an attack on the *Belgrano* the CO of the *Conqueror* would be expected to attack as soon as opportunity offered. He would be liable to Court Martial if he failed to take what was *prima facie* a reasonable chance.

Question 2 would be more properly answered by the First Sea Lord, who holds present responsibility for the morale, efficiency and performance of the service. But that is the answer I would have given when I held that post.

Terence Lewin

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